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# PENNSYLVANIA BULLETIN

Volume 27  
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Number 6  
Pages 705—784

**In this issue:**

The General Assembly  
The Courts  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Environmental Quality Board  
Executive Board  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Turnpike Commission

**Detailed list of contents appears inside.**

**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 267, February 1997**

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**PENNSYLVANIA**

**BULLETIN**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

There are no restrictions on the republication of official documents appearing in the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted

proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

**SUBSCRIPTION INFORMATION: (717) 766-0211**  
**GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where "no fiscal impact" is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1997.

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# THE GENERAL ASSEMBLY

## Committee Assignments for 1997-98 Legislative Sessions

Under the provisions of Act no. 181 of 1982, as amended, the Regulatory Review Act, the Speaker of the House is required to prescribe the jurisdiction of each standing committee of the House over the various State agencies for the purpose of reviewing proposed regulations.

I am, therefore, submitting a schedule containing the committee assignments for the 1997-98 Legislative Sessions.

MATTHEW J. RYAN,  
*The Speaker*  
*House of Representatives*

\*Any department, departmental administrative board of commission, independent board, commission, or authority not contained in this list is assigned to the same designated standing committee as is their parent agency.

### COMMITTEE REFERRALS

#### *Aging and Youth Committee*

Department of Aging  
Department of Public Welfare—(Only those regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department of Public Welfare relating to child care.)

#### *Agriculture and Rural Affairs Committee*

Department of Agriculture  
Milk Marketing Board  
Bureau of Farm Show  
Agriculture Land Preservation Board

#### *Appropriations Committee*

Budget  
Auditor General  
State Treasurer  
Pennsylvania Infrastructure Investment Authority

#### *Commerce and Economic Development Committee*

Department of Community and Economic Development  
Securities Commission  
Pennsylvania Housing Financing Agency  
Pennsylvania Minority Business Development Authority  
Pennsylvania Industrial Development Authority  
Department of Banking

#### *Consumer Affairs Committee*

Public Utility Commission  
Pennsylvania Energy Development Authority

#### *Education Committee*

Department of Education  
Public School Employees' Retirement System  
Higher Education Facilities Authority  
PHEAA  
State Board of Education  
State Board of Private Academic Schools  
State Board of Private Licensed Schools  
Professional Standards and Practices Commission  
State Public School Building Authority  
Board of Governors of State System of Higher Education

#### *Environmental Resources and Energy Committee*

Department of Environmental Protection  
Department of Conservation and Natural Resources  
Environmental Quality Board  
Certification Board of Sewage Enforcement Officers  
State Board for Certification of Sewage Treatment Plant and Waterworks Operators  
Environmental Hearing Board

#### *Finance Committee*

Department of Revenue  
Board of Claims  
State Tax Equalization Board  
Board of Finance and Revenue

#### *Health and Human Services Committee*

Department of Health  
Health Care Cost Containment Council  
Department of Public Welfare—(Except for regulations promulgated by the Office of Children, Youth and Families, and any other regulations issued by the Department relating to child care.)

#### *Insurance Committee*

Department of Insurance  
State Workmen's Insurance Board  
Medical Professional Liability Catastrophe Loss Fund

#### *Judiciary Committee*

State Police  
Pennsylvania Commission on Crime and Delinquency  
Department of Corrections  
Attorney General  
Board of Pardons  
Board of Probation and Parole  
State Ethics Commission  
Pennsylvania Commission on Sentencing  
Municipal Police Officers Education and Training Commission  
Deputy Sheriffs' Education and Training Board  
Coroner's Education Board

#### *Labor Relations Committee*

Civil Service Commission  
Department of Labor and Industry  
Unemployment Compensation Board of Review  
Labor Relations Board  
Workmen's Compensation Appeal Board  
Office for the Deaf and Hearing Impaired  
Industrial Board

#### *Liquor Control Committee*

Liquor Control Board

#### *Local Government Committee*

Pennsylvania Municipal Retirement System

#### *Professional Licensure Committee*

Navigation Commission for the Delaware River  
Accountancy Board  
Architect Licensure Board  
Auctioneer Examiners Board  
Barber Examiners Board  
Certified Real Estate Appraisers Board  
Cosmetology Board  
Funeral Directors Board  
Landscape Architects Board  
Professional Engineers Board



*Professional Licensure Committee*

Real Estate Commission  
 Vehicle Board  
 Chiropractic Examiners Board  
 Dentistry Board  
 Medicine Board  
 Nursing Home Administrators Board  
 Occupational Therapy Education and Licensure Board  
 Optometrical Examiners Board  
 Osteopathic Medicine Board  
 Pharmacy Board  
 Physical Therapy Board  
 Podiatry Board  
 Psychology Board  
 Social Work Examiners Board  
 Speech-Language and Hearing Examiners Board  
 Veterinary Medical Examiners Board  
 Nurse Board

*State Government Committee*

Department of General Services  
 Department of State  
 Human Relations Commission  
 PPTN  
 State Employees' Retirement System  
 Harness Racing Commission  
 Horse Racing Commission  
 Governor's Office  
 Public Employee Retirement Commission  
 State Athletic Commission  
 Independent Regulatory Review Commission  
 Pennsylvania Commission for Women  
 Joint Committee on Documents

*Tourism and Recreational Development Committee*

Historical and Museum Commission

*Transportation Committee*

Department of Transportation  
 Turnpike Commission  
 State Transportation Commission

*Veterans Affairs and Emergency Preparedness Committee*

Department of Military and Veterans Affairs  
 State Armory Board  
 Pennsylvania Emergency Management Agency

[Pa.B. Doc. No. 97-176. Filed for public inspection February 7, 1997, 9:00 a.m.]

## Committee Designation Under Regulatory Review Act

Under the provisions of Act 181 of 1982, as amended and reenacted, known as the Regulatory Review Act, as President Pro Tempore of the Senate, I hereby designate the following standing committees for the purpose of regulatory review as authorized in the act.

The designated standing committee for any departmental board, commission, committee and other agency not listed herein shall be the standing committee listed for that department. The Committee on Rules and Executive Nominations shall be the designated standing committee for the purpose of regulatory review for any other agency not specifically listed.

*Agency**Committee*

|  |  |
|--|--|
| Governor and Office of the Governor                          | State Government                               |
| Attorney General and Office of the Attorney General          | Judiciary                                      |
| Auditor General and Office of Auditor General                | Finance  |
| State Treasurer and Treasury Department                      | Finance  |
| Adjutant General and Dept. of Military and Veterans' Affairs | Military and Veterans Affairs                  |
| Secretary and Department of Aging                            | Aging and Youth                                |
| Secretary and Department of Agriculture                      | Agriculture and Rural Affairs                  |
| Secretary and Department of Banking                          | Banking and Insurance                          |
| Secretary and Department of Community & Economic Development | Community and Economic Development             |
| Secretary of the Commonwealth and Department of State        | State Government                               |
| Secretary and Department of Conservation & Natural Resources | Environmental Resources & Energy               |
| Secretary and Department of Corrections                      | Judiciary                                      |
| Secretary and Department of Education                        | Education                                      |
| Secretary and Department of Environmental Protection         | Environmental Resources and Energy             |
| Secretary and Department of General Services                 | State Government                               |
| Secretary and Department of Health                           | Public Health and Welfare                      |
| Commissioner and Department of Insurance                     | Banking and Insurance                          |
| Secretary and Department of Labor and Industry               | Labor and Industry                             |
| Secretary and Department of Public Welfare                   | Public Health and Welfare                      |
| Secretary and Department of Revenue                          | Finance  |
| Commissioner and PA State Police                             | Law and Justice                                |
| Secretary and Department of Transportation                   | Transportation                                 |
| Secretary and Office of Administration                       | State Government                               |
| General Counsel and Office of General Counsel                | Judiciary                                      |
| Secretary and Office of Budget                               | Appropriations                                 |
| Commissioner of Professional & Occupational Affairs          | Consumer Protection and Professional Licensure |

| <i>Agency</i>  | <i>Committee</i>                   | <i>Agency</i>  | <i>Committee</i>                               |
|--|------------------------------------|--|--|
| Executive Board  | State Government                   | Municipal Police Officers Education & Training Commission                        | Law and Justice                                |
| Armory Board   | Military and Veterans Affairs      | PA Commission on Crime and Delinquency   | Judiciary                                      |
| Ben Franklin/IRC Partnership Advisory Board            | Community and Economic Development | PA Commission for Women  | Judiciary                                      |
| Board of Claims  | Finance                            | PA Economic Development Financing Authority                                      | Community and Economic Development             |
| Board of Finance and Revenue                           | Finance                            | PA Emergency Management Agency   | State Government                               |
| Board of Governors of State System of Higher Education | Education                          | PA Energy Development Authority  | Environmental Resources and Energy             |
| Board of Pardons                                       | Judiciary                          | PA Housing Finance Agency  | Urban Affairs and Housing                      |
| Board of Probation and Parole                          | Judiciary                          | PA Industrial Development Authority  | Community and Economic Development             |
| Civil Service Commission                               | State Government                   | PA Infrastructure Investment Authority   | Environmental Resources and Energy             |
| Constable Education and Training Board                 | Judiciary                          | PA Minority Business Development Authority                                       | Community and Economic Development             |
| PA Commission on Sentencing                            | Judiciary                          | PA Public Television Network Commission  | State Government                               |
| Coroners' Education Board                              | Local Government                   | Public Employee Retirement Commission  | Finance  |
| Council on the Arts                                    | State Government                   | Public School Employees Retirement Board   | Finance  |
| Delaware River Basin Commission                        | Environmental Resources and Energy | Professional Standards & Practices Commission                                    | Education                                      |
| Deputy Sheriffs' Education & Training Board            | Local Government                   | Public Utility Commission  | Consumer Protection and Professional Licensure |
| Environmental Hearing Board                            | Environmental Resources and Energy | Securities Commission  | Banking and Insurance                          |
| Environmental Quality Board                            | Environmental Resources and Energy | State Athletic Commission  | State Government                               |
| Harness Racing Commission                              | State Government                   | State Board of Education   | Education                                      |
| Health Care Cost Containment Council                   | Public Health & Welfare            | State Employees Retirement Board   | Finance  |
| Higher Education Assistance Agency                     | Education                          | State Board for Certification of Sewage Enforcement Officers                     | Environmental Resources & Energy               |
| Higher Education Facilities Authority                  | Education                          | State Board for Certification of Sewage Treatment Plant and Waterworks Operators | Environmental Resources & Energy               |
| Historical and Museum Commission                       | State Government                   | State Board of Private Academic Schools  | Education                                      |
| Horse Racing Commission                                | State Government                   | State Board of Private Licensed Schools  | Education                                      |
| Human Relations Commission                             | Labor and Industry                 | State Ethics Commission  | Rules and Executive Nominations                |
| Independent Regulatory Review Commission               | Rules and Executive Nominations    | State Health Care Policy Board   | Public Health and Welfare                      |
| Industrial Board                                       | Labor and Industry                 | State Public School Building Authority   | Education                                      |
| Joint Committee on Documents                           | Rules and Executive Nominations    | State Tax Equalization Board   | Finance  |
| Labor Relations Board                                  | Labor and Industry                 | State Transportation Commission  | Transportation                                 |
| Liquor Control Board                                   | Law and Justice                    | Turnpike Commission  | Transportation                                 |
| Medical Professional Liability Catastrophic Loss Fund  | Banking and Insurance              |  |  |
| Milk Marketing Board                                   | Agriculture and Rural Affairs      |  |  |
| Municipal Employees Retirement Board                   | Local Government                   |  |  |

| <i>Agency</i>  | <i>Committee</i>                               | <i>Agency</i>   | <i>Committee</i>                               |
|--|--|---|--|
| Underground Storage Tank Indemnification Board                             | Environmental Resources and Energy             | State Board of Nursing                                  | Consumer Protection and Professional Licensure |
| Unemployment Compensation Board of Review                                  | Labor and Industry                             | State Board of Examiners of Nursing Home Administrators | Consumer Protection and Professional Licensure |
| Veterans' Commission   | Military and Veterans Affairs                  | Occupational Therapy Education and Licensure Board      | Consumer Protection and Professional Licensure |
| Workmen's Compensation Appeals Board                                       | Labor and Industry                             | State Board of Optometry                                | Consumer Protection and Professional Licensure |
| State Workmen's Insurance Board  | Labor and Industry                             | State Board of Osteopathic Medical Examiners            | Consumer Protection and Professional Licensure |
| State Board of Accountancy   | Consumer Protection and Professional Licensure | State Board of Pharmacy                                 | Consumer Protection and Professional Licensure |
| Architects Licensure Board   | Consumer Protection and Professional Licensure | State Board of Physical Therapy                         | Consumer Protection and Professional Licensure |
| State Board of Auctioneer Examiners  | Consumer Protection and Professional Licensure | State Board of Podiatry                                 | Consumer Protection and Professional Licensure |
| Barber Examiners Board   | Consumer Protection and Professional Licensure | State Board of Psychology                               | Consumer Protection and Professional Licensure |
| State Board of Chiropractic  | Consumer Protection and Professional Licensure | Registration Board for Professional Engineers           | Consumer Protection and Professional Licensure |
| State Board of Cosmetology   | Consumer Protection and Professional Licensure | Real Estate Commission                                  | Consumer Protection and Professional Licensure |
| State Board of Dentistry   | Consumer Protection and Professional Licensure | State Board of Examiners in Speech-Language and Hearing | Consumer Protection and Professional Licensure |
| Funeral Directors Board  | Consumer Protection and Professional Licensure | PA State Board of Veterinary Medicine                   | Consumer Protection and Professional Licensure |
| Landscape Architects Board   | Consumer Protection and Professional Licensure | State Board of Social Work Examiners                    | Consumer Protection and Professional Licensure |
| State Board of Medicine  | Consumer Protection and Professional Licensure |   |  |
| State Board of Certified Real Estate Appraisers                            | Consumer Protection and Professional Licensure |   |  |
| State Board of Motor Vehicle Manufacturers, Dealers and Salespersons       | Consumer Protection and Professional Licensure |   |  |
| Navigation Commission for the Delaware River and its Navigable Tributaries | Consumer Protection and Professional Licensure |   |  |

CARL L. MEASE,  
*Acting Director*

[Pa.B. Doc. No. 97-177. Filed for public inspection February 7, 1997, 9:00 a.m.]

# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

#### Amendment of Operating Procedures

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART II. INTERNAL OPERATING PROCEDURES

##### CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT MOTIONS PRACTICE

##### § 65.22. Motions Review Subject to Motions Panel Disposition.

A. Motions to Quash or Dismiss Appeals, Petitions for Permission to Appeal pursuant to Pa.R.A.P. 312, 1301—1323 and 42 Pa.C.S. § 702(b), and Petitions for Review pursuant to Pa.R.A.P. 1501 et seq. shall be subject to review and disposition by a panel of three commissioned judges.

B. The President Judge shall set the motions panel. Each motions panel shall consist of three commissioned judges and shall serve for a period of two months.

As amended, effective January 10, 1997.

[Pa.B. Doc. No. 97-178. Filed for public inspection February 7, 1997, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CH. 1900]

#### Proposed Amendments to the Rules Relating to Protection From Abuse; Recommendation 45

The Domestic Relations Committee proposes the following amendments to the Rules of Civil Procedure relating to Protection From Abuse. The committee solicits comments and suggestions from all interested persons prior to submission of the proposed rule to the Supreme Court.

Written comments relating to the proposed amendments must be received no later than March 28, 1997 and must be directed to: Sophia P. Paul, Esquire, Counsel, Domestic Relations Committee, 429 Forbes Avenue, Suite 300, Pittsburgh, PA 15219, FAX (412) 565-2336, or E-Mail to spaul@supreme.court.state.pa.us.

The explanatory notes which appear in connection with the proposed amendments have been inserted by the Committee for the convenience of those using the rules. They will not constitute part of the rules nor will they be officially adopted or promulgated by the Court.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

##### CHAPTER 1900. ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

##### Rule 1901. Definitions.

As used in this chapter

*Act*—Protection From Abuse Act No. 206 approved December 19, 1990, 23 Pa.C.S. § 6101 et seq.;

*Action*—A proceeding for protection from abuses defined in [Section 2] § 6102 of the Act;

*Court*—The court of common pleas.

*Emergency Order*—An order entered by a hearing officer, who is a person meeting the definition set forth at 23 Pa.C.S. § 6102.

*Temporary Order*—An order entered by the court pursuant to 23 Pa.C.S. § 6107.

##### Rule 1901.1. Venue.

(a) Except as provided in subdivision (b), an action for protection from abuse may be brought in a county in which

(1) the plaintiff resides, either temporarily or permanently, or is employed, or

(2) the defendant may be served, or

(3) the abuse occurred.

(b) If the relief sought includes possession of the residence or household to the exclusion of the defendant, the action shall be brought only in the county in which the residence or household is located.

##### Rule 1901.2. Scheduling.

Each judicial district shall establish and publish a schedule of times when the court will be available to hear temporary Protection From Abuse matters.

**Official Note:** When the court is unavailable, emergency relief may be sought from the minor judiciary pursuant to 23 Pa.C.S. § 6110.

##### [Rule 1902. Commencement of Action.

(a) Except as provided in subdivision (b), an action shall be commenced by filing with the prothonotary a petition setting forth the alleged abuses by the defendant.

(b) Filing in the office of the prothonotary of a certified order of a district justice entered pursuant to 23 Pa.C.S. § 6110 shall constitute the commencement of an action in the court of common pleas.

**Official Note:** See 23 Pa.C.S. § 6110 conferring emergency jurisdiction on district justices and requiring immediate certification of its order to the court. ]

##### Rule 1901.3. Commencement of Action.

(a) An action shall be commenced by filing with the prothonotary or presenting to the court a petition setting forth the alleged abuses by the defendant. The petition shall be substantially in the

form set forth in Rule 1905(b) and shall have as its first page the Notice of Hearing and Order set forth in Rule 1905(a).

(b) An action may be commenced by filing a certified copy of the emergency order entered pursuant to 23 Pa.C.S. § 6110.

**[ Rule 1903. Service of Order. Enforcement.**

**(a) Rescinded**

**Official Note:** For service of the petition or certified order of the district justice, see Rule 1930.4.

(b) An order entered under 23 Pa.C.S. §§ 6107 and 6108 shall be served and enforced by such persons and in such manner as the court shall direct in the order. ]

**Rule 1901.4. Service and Registration of Order.**

(a) Service of the petition and temporary order shall be in accordance with Rule 1930.4.

(b) An Affidavit of Service substantially in the form set forth in Rule 1905(d) shall be filed with the prothonotary.

(c) A certified copy of every protection order shall be submitted for registration to

(1) the prothonotary of the county in which the order was entered, as well as any other county in which plaintiff believes protection may be necessary; or

(2) the statewide registry. Orders submitted to the statewide registry shall be accompanied by the supplemental information form set forth in Rule 1905(f).

**Official Note:** Counties will not be required to maintain registries after the statewide registry is established and is fully operational, pursuant to 23 Pa.C.S. § 6104(b).

**Rule 1901.5. Enforcement.**

(a) A police officer shall arrest a defendant for violating an order issued by or registered in any

court within this Commonwealth pursuant to the Act where the order is

(1) registered in accordance with the Act; or

(2) can be verified by radio, telephone or similar means of communication.

(b) A complaint for indirect criminal contempt shall be completed and signed by either the police officer or the plaintiff. Neither plaintiff's presence nor signature shall be required for such filing.

Rule [ 1904 ] 1901.6. No responsive pleading required.

No pleading need be filed in response to the petition or the certified order and all averments not admitted shall be deemed denied.

**Official Note:** For procedures as to the time and manner of hearings and issuance of orders [ **ex parte or after hearing** ], see 23 Pa.C.S. § 6107. For provisions as to the scope of relief **available**, see 23 Pa.C.S. § 6108. For provisions as to contempt for violation **of an order or consent agreement**, see 23 Pa.C.S. § 6114.

Rule [ 1905 ] 1901.7. Decision. No Post-Trial Relief.

(a) The decision of the court [ **shall be governed by Rule 1038(b) and (c)** ] may consist only of general findings but shall dispose of all claims for relief. The court's order shall be rendered substantially in the form set forth in Rule 1905(e).

(b) No motions for post-trial relief may be filed to the final order.

**Official Note:** The procedure relating to Motions for Reconsideration is set forth in Rule 1930.2.

**Rule 1905. Standard Forms for Use in Protection from Abuse Matters.**

(a) The Notice of Hearing and Order required by Rule 1901.3 shall be substantially in the following form:

**(Caption)**

**NOTICE OF HEARING AND ORDER**

**YOU HAVE BEEN ORDERED TO APPEAR IN COURT.** If you fail to do so, the court may enter an Order in your absence which may evict you from your residence, and cause you to lose other important rights.

**You MUST obey the order which is attached until the hearing.** If you disobey this Order, the police may arrest you. Under federal law, this Order is enforceable anywhere in the United States, and any violation of this Order in another state will result in federal proceedings against you. In addition, if you are subject to a **FINAL PROTECTION ORDER**, federal law will prohibit you from possessing, transporting, or accepting a firearm.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. YOU HAVE THE RIGHT TO HAVE AN ATTORNEY REPRESENT YOU AT THE HEARING. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

\_\_\_\_\_ County Lawyer Referral Service  
[insert Street Address]  
[insert City, State, and ZIP]  
[insert Phone Number]

(b) The Petition in an action filed pursuant to the Act shall be substantially in the following form:

## (Caption)

## PETITION FOR PROTECTION FROM ABUSE

1. My name is \_\_\_\_\_

I am filing this Petition on behalf of: ☐ Myself ☐ Another Person

If you checked "myself," please answer all questions referring to yourself as "plaintiff." If you checked "another person," please answer all questions referring to that person as the "plaintiff, and provide your address here:

If you checked "Another Person," also indicate your relationship with plaintiff:

- ☐ parent of minor plaintiff(s) ☐ guardian ad litem of minor plaintiff(s)  
☐ adult household member with minor plaintiff(s) ☐ court appointed guardian of incompetent plaintiff(s)

2. ☐ Plaintiff's address is confidential

or

☐ Plaintiff's address is: \_\_\_\_\_

3. Defendant is \_\_\_\_\_, who resides at \_\_\_\_\_. His/her date of birth is \_\_\_\_\_ and Social Security No. is \_\_\_\_\_.

☐ Check here if defendant is 17 years old or younger.

4. Indicate the relationship between plaintiff and defendant:

- ☐ Spouse ☐ Current or former sexual/intimate partner ☐ Other relationship by blood or marriage: \_\_\_\_\_  
☐ Ex-spouse ☐ Parent/Child \_\_\_\_\_  
☐ Parents of the same child/ren ☐ Brother/Sister \_\_\_\_\_

5. I am asking the court to order the defendant to leave the following residence: \_\_\_\_\_, which is:

- ☐ owned by (list all owners): \_\_\_\_\_,  
☐ rented by (list all names): \_\_\_\_\_.

6. Plaintiff and defendant are the parents of the following child/ren:

| Name(s) | Age(s) | who reside at (list address unless confidential) |
|---------|--------|--|
| _____   | _____  | _____  |
| _____   | _____  | _____  |
| _____   | _____  | _____  |

7. The following minor child/ren who are not related to the defendant presently live with plaintiff:

| Name(s) | Age(s) | plaintiff's relationship to child/ren |
|---------|--------|---------------------------------------|
| _____   | _____  | _____                                 |
| _____   | _____  | _____                                 |
| _____   | _____  | _____                                 |

8. The facts of the most recent incident of abuse are as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

Describe in detail what happened, including any physical or sexual abuse, threat, injury, or incident of stalking:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**9. The defendant has committed prior acts of abuse against me, my minor child/ren, or the plaintiff (if I am filing on behalf of someone else). List examples of such abuse, including any threats, injuries, or incidents of stalking, and state when such acts of abuse occurred:**

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**10. Defendant has used or threatened to use the following weapon(s) against plaintiff or the minor child/ren listed above:**

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**11. If plaintiff and defendant are parents of any minor child/ren, is there an existing court Order regarding their custody? \_\_\_\_\_ . Who has primary custody under that Order? \_\_\_\_\_ . If you are now seeking an Order of child custody as part of this petition, list the following information:**

**(a) Where has each child resided during the past five years?**

| Child's name | Person(s) child lived with | Address, unless confidential | When  |
|--------------|----------------------------|------------------------------|-------|
| _____        | _____                      | _____                        | _____ |
| _____        | _____                      | _____                        | _____ |
| _____        | _____                      | _____                        | _____ |

**(b) List any other persons who are known to have or claim a right to custody of each child listed above.**

| Name  | Address | Basis of Claim |
|-------|---------|----------------|
| _____ | _____   | _____          |
| _____ | _____   | _____          |
| _____ | _____   | _____          |

**12. Have you and the defendant been involved in any of the following court actions? (If you are filing this Petition on behalf of another person, please answer this and all questions using that person as the plaintiff.)**

☐ Divorce      ☐ Custody      ☐ Support      ☐ Protection from Abuse

**If you checked any of the above, briefly indicate when and where the case was filed and the court number, if known:**

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**13. Defendant owes a duty of support to plaintiff and/or the minor child/ren.**

**14. As a result of the abuse described above, I have suffered financial losses.**

**15. There is an immediate and present danger of additional abuse from the defendant.**

**FOR THE REASONS SET FORTH ABOVE, I REQUEST THAT THE COURT ENTER A TEMPORARY ORDER, and AFTER HEARING, A FINAL ORDER THAT WOULD DO THE FOLLOWING (CHECK FORMS OF RELIEF REQUESTED):**

☐ **A. Restrain defendant from abusing, threatening, harassing, or stalking plaintiff and/or the minor child/ren in any place where they may be found.**

☐ **B. Evict/exclude defendant from plaintiff's residence and prevent defendant from living at or attempting to enter such residence.**

☐ **C. Require defendant to provide plaintiff with other suitable housing.**

☐ **D. Award plaintiff temporary custody of the minor child/ren and place appropriate restrictions on contact between defendant and the child/ren.**

☐ **E. Order defendant to pay temporary support for plaintiff and the minor child/ren, including medical support and payment of the rent or mortgage on plaintiff's residence.**

☐ **F. Prohibit defendant from having any contact with plaintiff and/or the minor child/ren, either in person, by telephone, or in writing, including but not limited to any contact at plaintiff's school, business, or place of employment.**

☐ **G. Prohibit defendant from harassing or having any contact with plaintiff's relatives and the child/ren listed in this Petition.**

- ☐ H. Order defendant to temporarily relinquish weapons to the Sheriff of this county.
- ☐ I. Direct defendant to pay plaintiff for the reasonable financial losses suffered as the result of the abuse.
- ☐ J. Order defendant to pay plaintiff's reasonable attorney fees.
- ☐ K. Grant such other relief as the court deems appropriate.
- ☐ L. I also request that the Judge order the police or other law enforcement agency to serve defendant with a copy of this Petition, any Order issued, and the Order for hearing. I will inform the police of any addresses, other than defendant's residence, where he or she can be served.

\_\_\_\_\_  
Petitioner

#### VERIFICATION

I verify that I am the Petitioner in the present action and that the facts and statements contained in the above Petition are true and correct to the best of my knowledge, information, and/or belief.

I understand that any false statements are made subject to the penalties of 18 Pa.C.S. § 4094, relating to unsworn falsification to authorities.

(c) The Temporary Order of Court entered pursuant to the Act shall be substantially in the following form:  
(Caption)

Defendant's date of birth: \_\_\_\_\_

Defendant's Social Security #: \_\_\_\_\_

#### TEMPORARY PROTECTION FROM ABUSE ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the attached Petition for Protection from Abuse, the court hereby enters the following Temporary Order:

1. The defendant shall not abuse, threaten, stalk, or harass the plaintiff and/or the minor child/ren in any place where they might be found. The names of the persons protected under this Order are as follows:

2. Plaintiff is granted exclusive possession of the residence where she/he resides which is:

- ☐ located at \_\_\_\_\_
- ☐ a confidential location.

After notice to the plaintiff, defendant may enter the residence (other than a confidential location), on one occasion only, to retrieve his/her clothing and other personal effects, provided that defendant shall be in the company of a law enforcement officer when such retrieval is made. Until a final hearing in this matter, defendant shall otherwise have no right to enter or be present on these premises.

3. Pending the outcome of the final hearing in this matter, plaintiff is awarded temporary custody of the following minor child/ren:

Until the final hearing, contact, if any, between defendant and the child/ren shall be limited to the following:  
The local law enforcement agency in the jurisdiction where the child/ren are located shall ensure that the child/ren are placed in the care and control of the plaintiff in accordance with the terms of this Order.

4. Defendant shall immediately relinquish the following weapons to the local law enforcement agency for delivery to the Sheriff's office:

5. Defendant is prohibited from having any contact with plaintiff at any location, including but not limited to any contact at plaintiff's school, business, or place of employment. Defendant shall not contact plaintiff by telephone or by any other means, except as might be permitted under Paragraph 3 of this Order relating to child custody. Defendant shall not harass or have any contact with plaintiff's relatives, except for such contact with their minor child/ren as is permitted under Paragraph 3 hereof. Defendant is specifically ordered to stay away from the following locations during the duration of this Order:

6. The following additional relief is granted: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. A copy of this Order shall be served on the police department where plaintiff resides, the police department where defendant resides, the Pennsylvania state police, and any other agency specified hereafter:

8. Defendant is hereby notified that if he attempts to return to the plaintiff's residence or violates this Order in any other way, he is subject to arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000.00 and/or up to six months in jail. Defendant is further notified that a violation of this Order may subject him/her to various federal charges and penalties. Consent of the plaintiff to defendant's return to the residence shall not invalidate this Order, which can only be changed or modified through the filing of appropriate court papers for that purpose.



**9. THIS ORDER APPLIES IMMEDIATELY TO DEFENDANT AND SHALL REMAIN IN EFFECT UNTIL MODIFIED OR TERMINATED BY THIS COURT AFTER NOTICE AND HEARING.**

**10. THIS ORDER SUPERSEDES ANY PRIOR ORDER, INCLUDING ANY PRIOR ORDER RELATING TO CHILD CUSTODY.**

#### **NOTICE OF LAW ENFORCEMENT OFFICIALS**

This Order shall be enforced by the police who have jurisdiction over the plaintiff's residence OR any location where a violation of this order occurs OR where the defendant may be located. If defendant violates any provisions of this Order, defendant SHALL be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this Order may be made without warrant, based solely on probable cause, whether or not the violation is committed in the presence of law enforcement.

Subsequent to an arrest, the law enforcement officer shall seize all weapons used or threatened to be used during the violation of this Order OR during prior incidents of abuse. Weapons must forthwith be delivered to the Sheriff's office of the county which issued this Order, which office shall maintain possession of the weapons until further Order of this court, unless the weapon/s are evidence of a crime, in which case, they shall remain with the law enforcement agency whose officer made the arrest.

**BY THE COURT:**

\_\_\_\_\_  
J.

(d) The form of the Affidavit of Service in a Protection From Abuse matter shall be substantially in the following form:

(Caption)

#### **AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_ the undersigned, hereby state that I served a copy of the Petition and Temporary Order in the above-captioned action upon the Defendant by handing the papers to \_\_\_\_\_ at the following address: \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, at approximately \_\_\_\_\_ o'clock \_\_ .m.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date:

(Signature)  
(Title)  
(Address)

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form:

(Caption)

#### **FINAL ORDER OF COURT**

**NOTICE TO THE DEFENDANT: IF YOU VIOLATE PARAGRAPH 1, 2 OR 3 OF THIS COURT ORDER, YOU WILL BE ARRESTED ON THE CHARGE OF INDIRECT CRIMINAL CONTEMPT WHICH IS PUNISHABLE BY A FINE OF UP TO \$1,000 AND A JAIL SENTENCE OF UP TO SIX MONTHS.**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, upon consideration of the Petition in the above-captioned case, \_\_\_\_\_, it is ORDERED, ADJUDGED and DECREED as follows:

Note: Space is provided to allow inclusion of the information about the terms under which the order was entered, e.g. that the defendant, though properly served, failed to appear, or that the order was entered with the consent of the parties.

1. Except as otherwise provided in paragraph 3, Defendant, [DEFENDANT'S NAME], [DEFENDANT'S ADDRESS] is

(a) prohibited from having ANY CONTACT with Plaintiff, [PLAINTIFF'S NAME], or Plaintiff's minor child(ren) [NAMES OF PROTECTED CHILDREN].

(b) directed to refrain from abusing, harassing or stalking Plaintiff or the minor child(ren) named in (a); and

(c) prohibited from entering the place of employment, business or school of the Plaintiff or of the minor child(ren) named in (a).

2. Defendant is completely excluded from the residence at [ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other residence where Plaintiff may live. Exclusive possession of the residence is granted to Plaintiff; Defendant shall have no right or privilege to enter or be present on the premises.

3. Custody of the parties' minor children, [NAMES OF THE CHILDREN SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH], shall be as follows: [STATE TO WHOM PRIMARY PHYSICAL CUSTODY AWARDED; STATE TERMS OF PARTIAL CUSTODY OR VISITATION, IF ANY.]

4. Defendant shall immediately turn over to the local law enforcement agency, or delivery to the Sheriff's Office, any and all weapons used or threatened to be used by defendant in an act of abuse against Plaintiff and/or the minor child/ren. Defendant is prohibited from acquiring or possessing any other weapons for the duration of this order.

5. If there is no existing support or alimony pendente lite order, the Defendant is directed to pay temporary support for: [INSERT THE NAMES OF THE PERSONS FOR WHOM SUPPORT IS TO BE PAID] as follows: [INSERT AMOUNT, FREQUENCY AND OTHER TERMS AND CONDITIONS OF THE SUPPORT ORDER]. This order for support shall remain in effect until a final support order is entered by this Court. However, this order shall lapse automatically if the Plaintiff does not file a complaint for support with the court within fifteen days of the date of this order. The amount of this temporary order does not necessarily reflect Defendant's correct support obligation, which shall be determined in accordance with the guidelines at the support hearing. Any adjustments in the final amount of support shall be credited, retroactive to this date, to the appropriate party.

6. The costs of this action are waived as to the Plaintiff and imposed on Defendant.

7. ☐ Defendant shall pay \$ \_\_\_\_\_ to Plaintiff as compensation for Plaintiff's losses, which are as follows:

OR

☐ Plaintiff is granted leave to present a petition, with appropriate notice to Defendant, to [INSERT THE NAME OF THE JUDGE OR COURT TO WHICH THE PETITION SHOULD BE PRESENTED] requesting recovery of out-of-pocket losses. The petition shall include an exhibit itemizing all claimed out-of-pocket losses, copies of all bills and estimates of repair, and an order scheduling a hearing. No fee shall be required by the Prothonotary's office for the filing of this petition.

8. The following additional relief is granted as authorized by § 6108 of the Act:

9. All provisions of this order shall expire in one year, on [INSERT EXPIRATION DATE].

#### NOTICE TO LAW ENFORCEMENT OFFICIALS

The police who have jurisdiction over the Plaintiff's residence OR any location where a violation of this order occurs OR where the Defendant may be located, shall enforce this order.

If Defendant violates any provision of paragraph 1, 2 or 3 above, Defendant SHALL be arrested on the charge of Indirect Criminal Contempt. An arrest for violation of this order may be without warrant, based solely on probable cause, whether or not the violation is committed in the presence of the police.

Subsequent to an arrest, the police officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse. The [INSERT THE APPROPRIATE NAME OR TITLE] shall maintain possession of the weapons until further order of this Court.

When the Defendant is placed under arrest for violation of the order, the Defendant shall be taken to [INSERT THE APPROPRIATE AUTHORITY OR AUTHORITIES BEFORE WHOM DEFENDANT IS TO BE ARRAIGNED]. A "Complaint for Indirect Criminal Contempt" shall then be completed and signed by the police officer OR the Plaintiff. Plaintiff's presence and signature are not required to file the complaint.

If sufficient grounds for violation of this order are alleged, the Defendant shall be arraigned, bond set and both parties given notice of the date of the hearing.

BY THE COURT:

\_\_\_\_\_ J.

Consented:

(f) The supplemental information form required by Rule 1901.4 shall be substantially in the following form:

(Caption)

#### SUPPLEMENTAL INFORMATION

Order entered in the \_\_\_\_\_ Judicial District      Expiration Date:

Contact/Person from whom copy of order can be obtained:

Contact's telephone number:

**Plaintiff Information****Sex:****DOB:****Race/Ethnic Background:****Defendant Identifying Information:****Social Security #:****Sex:****DOB:****Height:****Weight:****Eyes:****Hair:****Race/Ethnic Background:****Complexion:****Distinguishing features (scars, tattoos, facial hair, disability, etc.)****Alias(es)****Cautionary Statement:**

**Note:** The cautionary statement is intended to include information about defendant which may be of use to the police officers responsible for enforcing the order, e.g. black belt in karate.

**Defendant's Telephone #:****Defendant's Driver's License #:****State:****Vehicle Make, Model and Year:****Explanatory Comment—Rule 1905 Forms**

The forms are substantially based on the standard forms used by the Pennsylvania Coalition Against Domestic Violence.

[Pa.B. Doc. No. 97-179. Filed for public inspection February 7, 1997, 9:00 a.m.]

**[231 PA. CODE CH. 1910]****Proposed Amendments to the Rules Relating to Venue in Support Actions; Recommendation 46**

The Domestic Relations Committee proposes the following amendments to Rules of Civil Procedure 1910.2, 1910.8 and 1910.50. The committee solicits comments and suggestions from all interested persons prior to submission of the proposed amendments to the Supreme Court.

Written comments relating to the proposed amendments must be received no later than March 28, 1997, and must be directed to: Sophia P. Paul, Esquire, Counsel, Domestic Relations Committee, 429 Forbes Avenue, Suite 300, Pittsburgh, PA 15219, FAX (412) 565-2336, E-Mail: spaul@courts.state.pa.us.

The explanatory comments which appear in connection with the proposed amendments have been inserted by the Committee only for the convenience of those using the rules. They will not constitute part of the rules nor will they be officially adopted or promulgated by the Court.

**Annex A****TITLE 231. RULES OF CIVIL PROCEDURE****PART I. GENERAL****CHAPTER 1910. ACTIONS FOR SUPPORT****Rule. 1910.2. Venue. Transfer of Action.**

(a) An action may be brought in **[any county in which]**

- (1) **the county in which** the defendant resides, or
- (2) **the county in which** the defendant is regularly employed, or

(3) **the county in which** the plaintiff resides and that county is the county in which the last family domicile was located and in which the plaintiff has continued to reside, or

**(4) if the relief sought includes child support, the county in which the child resides.**

(b) Where jurisdiction is acquired over the defendant pursuant to the long arm statute, 23 Pa.C.S. **[A.] § 4342(c) [and (d)]**, the action may be brought in the county where the plaintiff resides **[, whether or not the parties maintained a family domicile in that county]**.

**(c) If, at the time of the filing of the action, there is a divorce or custody action pending between the parties in an appropriate court in another county, the court upon good cause shown may transfer the support action to that county.**

**(d) For the convenience of the parties and witnesses the court may transfer an action to the appropriate court of any other county where the action could have been brought at the time of transfer.**

**Official Note:** The standards for the transfer of an action for the convenience of parties and witnesses are the same as the standards under Rule 1006(d).

**(e) If neither party to an action presently resides and the defendant-obligor is not employed in the county where the action is pending or a support order is in effect, the court may transfer the action or order or both to any county where either party resides or where the defendant-obligor is regularly employed.**

**(f) It shall be the duty of the domestic relations section of the court in which the action is pending to forward to the domestic relations section of the court to which the action is transferred all papers filed in the action and a certified copy of the docket entries.**

**(g) All support orders may be enforced in accordance with the Uniform Interstate Family Support Act, 23 Pa.C.S. § 7101 et seq., if the defendant resides outside the Commonwealth, or in accord-**

ance with the Intrastate Family Support Act, 23 Pa.C.S. § 8101 et seq., if the defendant resides in another county within the Commonwealth.

**Rule 1910.8. [ Transfer of Action ] Rescinded**

**[(a) For the convenience of the parties and witnesses the court may transfer an action to the appropriate court of any other county where the action could have been brought at the time of transfer.**

**(b) If neither party to an action presently resides and the defendant obligor is not employed in the county where the action is pending or a support order is in effect, the court may transfer the action or order or both to any county where either party resides or where the defendant obligor is regularly employed.**

**(c) It shall be the duty of the domestic relations section of the court in which the action is pending to forward to the domestic relations section of the court to which the action is transferred all papers filed in the action and a certified copy of the docket entries. ]**

**Rule 1910.50. Suspension of Acts of Assembly.**

The following Acts or parts of Acts of Assembly are suspended insofar as they apply to the practice and procedure in an action for support:

(1) Section 3 of the Support Law of June 24, 1937, P. L. 2045, 62 P. S. § 1973, insofar as it provides a procedure to enforce the liability of relatives for the support of an indigent person; **[ and ]**

**(2) Section 4 of Act 1996-20, 23 Pa.C.S. § 4342, insofar as it provides that long arm jurisdiction shall be used in preference to proceedings under Part VIII-A relating to intrastate family support actions; and**

**(3) All Acts or parts of Acts of Assembly inconsistent with these rules to the extent of such inconsistency.**

All existing explanatory notes and comments pertaining to the rule listed below are replaced by the following:

**Explanatory Comment—Rule 1910.2**

Venue in support matters under the existing rule has been in the county where the defendant lived or worked, or in the county where the plaintiff lived if that county was the last family domicile. This proposed amendment expands the circumstances under which venue lies in the county in which plaintiff resides. If the action is one for spousal and child support or child support only, plaintiff may bring the action in the county in which the child resides regardless of whether that county was the last family domicile. The defendant will be required to defend the action there unless he or she can establish sufficient grounds for transfer of the action pursuant to subdivisions (c) through (e) of the proposed rule. If, however, plaintiff seeks spousal support only, then venue continues to lie in plaintiff's county only if that county was also the last marital domicile. The proposed amendment is intended to implement the Uniform Interstate Family Support Act (UIFSA) and the Intrastate Family Support Act (IFSA) to facilitate the fair and prompt establishment of child support by means of encouraging the support litigation to take place as a local action in one forum only.

Subdivisions (c) through (e) identify the circumstances under which a support action may be transferred to another county. New subdivision (c) is designed to avoid

multiple claims from being litigated in different counties. Subdivisions (d) through (f) are adopted verbatim from former Rule 1910.8 and were moved to Rule 1910.2 only for the convenience of the practitioner in resolving questions of venue.

**Explanatory Comment—Rule 1910.50**

Insofar as long arm jurisdiction is an issue that arises only in the context of interstate cases in which the defendant resides outside of the Commonwealth, the language in 23 Pa.C.S. § 4342(c) implying that it has relevance to intrastate support cases is suspended.

MAX BAER,  
*Chairperson*

[Pa.B. Doc. No. 97-180. Filed for public inspection February 7, 1997, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### ERIE COUNTY

#### Revision of Rules of Civil Procedure; No. 90502-1997

#### Order

*And Now*, this 10th day of January, 1997, the following revisions and additions to the Rules designated as the Rules of Civil Procedure for the Court of Common Pleas of Erie County, Pennsylvania, are hereby approved, adopted and promulgated as the Rules of Court. These Rule changes, revisions and deletions shall become effective thirty days after the publication of the same in the *Pennsylvania Bulletin*, and they shall apply to all actions pending at the time.

JOHN A. BOZZA,  
*President Judge*

#### **Rule 207. Petitions to be in Paragraph Form.**

[Delete]

#### **Rule 209. Duty of Petitioner to Proceed After Answer Filed.**

[Delete]

#### **Rule 302. Trial Division Judicial Assignment and Arguments-Civil.**

(a) Judicial assignment to a case will be made 60 days after the filing of the complaint. Counsel and unrepresented parties will receive notice of the assignment on the returned copy of the civil cover sheet. If no cover sheet is filed, notice will be given based upon information available to the Prothonotary. All judicial assignments will be noted in the Prothonotary computer file.

(b) If judicial attention is required prior to 60 days after the filing of the complaint, counsel shall submit a request for judicial assignment with the Trial Court Administrator on a form substantially as contained herein.

(c) To obtain judicial attention in a case wherein a complaint was filed before April 1, 1996, counsel shall submit a request for judicial assignment with the Trial Court Administrator on a form substantially as contained herein.

(d) If a complaint has not been filed, any matter requiring judicial attention shall be taken to motion court. The motion court judge will resolve that particular matter. Permanent assignment of the case will not take place until the complaint has been filed.

(e) All motions and petitions requiring decisions and other matters not within the scope of Erie L. R. 212.1 shall be filed with the Prothonotary and, as set forth in Erie L. R. 302(f)–(g), a copy shall be delivered to the assigned judge for the scheduling of the matter for argument.

(f) Preliminary objections not raising an issue of fact, a motion for judgment on the pleadings, motions for summary judgment, discovery motions and any motion not within the scope of subsection (g) and (h) below shall be filed with the Prothonotary. Within 20 days of the filing of said motion, the moving party shall file a brief with the Prothonotary and deliver a copy of the motion and brief to the assigned judge. The motion shall state whether oral argument is requested. Within 20 days of receipt of the moving party's brief, the non moving party shall file a response and brief with the Prothonotary and shall deliver a copy to the assigned judge. The brief shall state whether oral argument is requested. Any depositions, answers to interrogatories or affidavits in support of or in opposition to the motion shall be filed with the Prothonotary not later than the due date of the respective party's brief. If the briefs of either the moving party or responding party are not timely filed within the period above stated, unless the time shall be extended by the Court or by stipulation, the Court may then, or any time subsequent thereto:

(1) Dismiss the motion, exceptions or other matter where the moving party has failed to comply, or

(2) Grant the requested relief where the responding party has failed to comply and where the requested relief is supported by law, or

(3) Prohibit the noncomplying party from participating in oral argument although all parties will be given notice of oral argument and shall be permitted to be present at oral argument and/or impose such other legally appropriate sanction upon a noncomplying party as the Court shall deem proper including the award of reasonable costs and attorney's fees incurred as a result of the noncompliance.

(g) All motions or petitions requiring transcription of a trial record or the production and transmittal of the record from a determination which is subject to judicial review by this Court shall be filed with the Prothonotary by the moving party within the applicable time frame. A copy of said motion and supporting brief shall be delivered to the assigned judge within twenty (20) days of the filing of the transcript or record with the Prothonotary. Any response to said motion shall be filed within 20 days of receipt of the moving party's brief and a copy shall be delivered to the assigned judge.

(h) All other motions or petitions including petitions to open a judgment shall be disposed of pursuant to Pa.R.C.P. 206 et seq., as appropriate.

(i) There shall be oral argument on any motion or petition unless all parties waive argument by failing to request such, as provided in subsection (f) above.

Notice of each argument for which a timely demand is made shall be given to each attorney of record or unrepresented party by United States mail, facsimile transmission, or personal delivery to a business address or courthouse box.

As Amended 1/10/97

#### ERIE COUNTY COURT OF COMMON PLEAS REQUEST FOR CIVIL JUDGE ASSIGNMENT

|                      |                                 |
|----------------------|---------------------------------|
| DATE COMPLAINT FILED | DOCKET NUMBER                   |
| PLAINTIFF(S)         | PLAINTIFF'S ATTORNEYS (Address) |
| DEFENDANT(S)         | DEFENDANT'S ATTORNEYS (Address) |

HAS THIS CASE RECEIVED ANY PREVIOUS JUDICIAL ATTENTION?

NO \_\_\_\_\_ YES \_\_\_\_\_

If yes, name of Judge \_\_\_\_\_

ARE THERE ANY COMPANION CASES ALREADY ASSIGNED TO A JUDGE?

NO \_\_\_\_\_ YES \_\_\_\_\_

If yes, name of Judge \_\_\_\_\_ Docket Number \_\_\_\_\_

FOR COURT USE ONLY:

\_\_\_\_\_ has been assigned to this case. This matter, and all future matters, should be taken directly to assigned judge per local rules of court.

DATE: \_\_\_\_\_ ASSIGNED BY: \_\_\_\_\_

**Rule 303. Trial Division Motion Court and Other Motions and Petitions-Civil.**

(a) Civil Motion Court shall be held four (4) times per week (Monday, Tuesday, Wednesday and Thursday) at 9:00 a.m. The only motions presented shall pertain to cases where a complaint has not yet been filed. (See Erie L. R. 302 for procedure in matters where complaint has been filed.)

(b) Except in those cases where an appropriate initial order may otherwise be required, motions and/or petitions shall be accepted for filing without the necessity of a rule to show cause.

(c) All motions presented at civil motion court shall include a completed motion court cover sheet, in the form required by the court.

(d)(1) Motions and petitions that can be summarily heard by the Court and determined by brief orders shall be heard immediately following Motion Court on Thursday of each week.

(2) The moving counsel desiring to have such summary determination of a motion or petition must notify opposing counsel and any opposing unrepresented party of his intention to argue the motion or petitions before the Court at such time. The Court may refuse to hear argument on such motions or petitions unless counsel for each side is present.

(3) The moving party shall attach to the motion or petition the proposed order.

(e) No Motion for a preliminary injunction shall be filed unless a complaint in equity has already been docketed in the Prothonotary's Office. Upon the filing of said complaint, the moving party shall attach to the motion a copy of the complaint and an affidavit that a preliminary injunction is an appropriate relief. This motion shall then be presented to the duty Judge who shall sign same, but not insert any date or place where it will be held. The matter will then be referred by the duty Judge to the Court Administrator for assignment and date certain.

For any motion to be considered, a brief must be filed simultaneously with the motion. The brief shall address, with particularity, why irreparable harm will result if an injunction is not granted and why an adequate remedy at law is not available.

(f) If counsel and/or an unrepresented party notifies opposing counsel and/or parties that he is to present a motion or petition at Motion Court and then fails to appear, the Court, upon motion, will consider an appropriate sanction including, but not limited to, attorney's fees.

(g) After presenting any motion or petition to the court, the moving party shall file with the Prothonotary the motion or petition with attached order granting or denying the relief requested.

Cross reference: See Erie L. R. 440 re: notice to opposing counsel and unrepresented parties.

As Amended 1/10/97

**Rule 305. Duties of the Prothonotary.**

(a) The Prothonotary shall immediately endorse all papers filed with the date and time of such filings and shall enter all rules, pleadings and other papers filed in the proper docket.

(b) The Prothonotary shall, when directed by the Court, endorse the order of the Court upon all motions presented and shall transcribe the same in the record.

(c) The Prothonotary shall be responsible for the safekeeping of all records and papers belonging to that office. The Prothonotary shall permit no papers to be taken from the office, without written order of Court except for temporary removal by an attorney for the purpose of conducting an arbitration hearing or for copying within the Courthouse.

(d) All attorneys who take a paper from the files of the Court shall give their receipt in a book to be kept for that purpose and shall be responsible for the same and for damages arising from any loss.

(e) Only the Prothonotary, office clerks and attorneys shall be permitted access to the files. No entries shall be made in the dockets except at the direction of the Prothonotary.

(f) The Prothonotary shall not accept for filing any paper filed by person which shall not have endorsed thereon the address and telephone number of the person filing the paper.

(g) The Prothonotary shall keep a separate docket or dockets for the law and equity sides of the Court and shall consecutively number the cases each year.

(h) In litigation involving the validity of a municipal lien, upon motion of either party, the matter shall be transferred, from the municipal liens docket to the appearance docket and given a term and number by the Prothonotary.

(i) In all appeals to the Court from a municipal zoning board or municipalities, when said appeal has been returned to said board or municipality by the Court, should the matter then be returned to Court, it will retain the same docket number as the original appeal.

As Amended 1/10/97

**Rule 306. Terms of Court.**

(a) Regular terms of Court for the trial of civil jury cases will be held in February, April, June, August and October.

(b) The Court may schedule special sessions and/or special civil jury terms of Court at other times and dates than those set forth in sub-paragraph (a) above.

(c) Requests for trial outside the regular civil trial terms are discouraged. However, if there are compelling reasons to make such a request, the proper procedure to be followed is to file a motion with the assigned judge, giving due notice of the date and time of presentation to opposing counsel, in accordance with established motion practice.

As Amended 1/10/97

**Rule 311. Procedure in Statutory Appeals.**

(a) Unless a contrary procedure is provided for otherwise in Statute or general Rule of Court, this Rule shall apply to all statutory appeals where this Court has jurisdiction to review adjudications of School Districts, municipalities or State Administrative Agencies or offices. This Rule shall have no applicabilities on state Administrative Agencies or officers. This Rule shall have no applicability to proceedings under the Uniform Arbitration Act.

(b) In cases where the Court does not have the prerogative of receiving evidence in lieu of or in supplement

to the record made in the administrative proceedings, or in cases where no motion for additional evidence was filed or granted pursuant to paragraph (d) herein, the disposition of appeals shall be by requesting a judge assignment after twenty days of the docketing of the record from the administrative proceeding or after the denial of the motion for additional evidence, whichever is later. In such cases, all procedures otherwise applicable to the listing of cases for argument, assignment to a Judge, briefs, etc., shall apply to appeals governed by this Rule.

(c) In cases where a party is entitled, as a matter of right, to have either a de novo evidentiary hearing in this Court, or to supplement the record made in the administrative proceedings, any party so entitled shall submit an appropriate motion at regular Motion Court requesting that the appeal be assigned to a Judge for hearing. Such a motion shall set forth with particularity the basis on which the movant claims a right to submit further evidence and shall contain a certificate that the motion has been served on all other parties no later than thirty (30) days prior to its presentation.

(d) In cases where the Court may receive evidence for cause shown, or at the discretion of the Court, any party wishing to request that the Court receive evidence shall do so by motion presented at regular Motion Court within twenty days after the docketing of the record of the administrative proceeding being reviewed. The motion shall state with particularity the authority upon which movant relies and the particular factors which he believes indicate that the receipt of further evidence is justified. Where indicated by the circumstances, the following factors may be considered by the Court in acting upon such motions in addition to any otherwise applicable standard governing the exercise of the Court's discretion:

- (1) Whether movant was represented by counsel before the administrative tribunal.
- (2) Whether previously undisclosed or newly discovered evidence exists which was not made available to the administrative tribunal prior to its decision.
- (3) The overall adequacy for the purpose of appellate review of the record made before the administrative tribunal.
- (4) The apparent regularity and fundamental fairness of the administrative proceedings, as disclosed by the record.
- (5) Such other factors as may be considered in the interest of justice.

No motion contemplated by this section shall be acted upon until all interested parties have been given an opportunity to respond to the motion through argument. If, after argument, the Court denies, in whole, a motion under this section, the case shall proceed as provided in section (a) above.

In granting the relief requested in motions contemplated by this section, the Court may, unless otherwise indicated by applicable statutes, limit the evidence it will receive to matters which are not cumulative of material already included in the record made before the administrative tribunal, or impose other reasonable restrictions upon the scope or nature of the evidence to be received. The Court may, in its discretion, at the request of any party or on its own motion, require that any party intending to offer evidence pursuant to this Rule file a pre-hearing narrative statement fairly setting forth the nature of the evidence to be offered such that all parties

may have adequate notice of the facts at issue prior to hearing and the scope and nature of the evidentiary proceeding.

(e) In cases in which evidence is received by the Court pursuant to this Rule, after the close of the evidentiary proceedings, all parties shall submit proposed findings of fact to the Court along with their respective briefs on the merits of the appeal in accordance with a schedule fixed by the hearing Judge. The hearing Judge shall retain the case and make the final disposition of the appeal, including the adoption of findings of fact, where appropriate.

(f) No case shall be listed for argument and no motion shall be filed requesting that a hearing be set until the record of the administrative tribunal is docketed with the Prothonotary. It shall be the duty of the administrative agency involved to promptly notify all parties of the filing of the record.

(g) Unless otherwise required by statute, the order of a single Judge of this Court which is dispositive of the merits of the appeal shall constitute a final order of this Court in all matters subject to this Rule. Neither the filing of exceptions nor en banc proceedings shall be required or permitted.

(h) Unless a different time is specified by statute, it shall be the duty of the administrative agency involved to docket the record of the proceedings before it with the Prothonotary no later than thirty (30) days from service of the notice of appeal upon the tribunal or agency. The record shall, in all cases, contain at least a brief adjudication setting forth the findings and conclusions of the administrative tribunal.

(i) In the event that any administrative tribunal fails to comply with the provisions of this Rule, or of any statute, relating to the time within which to transmit its record to this Court, any party may, by motion, apply for an order compelling the transmittal of a complete record.

As Amended 1/10/97

### **Rule 313. Motions to Impose Sanctions—Summary Proceedings.**

[Deleted]

### **Rule 2951. Methods of Proceeding.**

(a) Where a judgment is confessed in accordance with Pa.R.C.P. 2951(a), the party confessing the judgment shall file the following documents with the Prothonotary:

- (1) One copy of the original Note for each defendant against whom judgment is to be confessed;
- (2) A Notification of the Entry of Judgment form, with the caption completed and a stamped envelope which is addressed to each defendant against whom judgment is to be confessed. The Prothonotary's office will complete the Notification form and send out the Notification to each defendant after the entry of judgment;
- (3) A certified or other acceptable check in the amount required for the entry of judgment in accordance with the fee schedule for the Prothonotary's office; and
- (4) A self-addressed stamped envelope addressed to the party confessing judgment for the return of the original Note, receipt and transcript.

As Amended 1/10/97

[Pa.B. Doc. No. 97-181. Filed for public inspection February 7, 1997, 9:00 a.m.]

## LYCOMING COUNTY

Amendments to Rules of Civil Procedure: Minors;  
97 00100

## Order

*And Now*, this 13th day of January, 1997, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Rule of Civil Procedure L2039 is hereby amended as follows.
2. The Prothonotary is directed to:
  - a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.
  - b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
  - c. File one (1) certified copy of this order with the Civil Procedural Rules Committee.
  - d. Forward one (1) copy of this order to the Lycoming Reporter for publication therein.
  - e. Keep continuously available for public inspection copies of this order.

*By the Court*

CLINTON W. SMITH,  
*President Judge*

## MINORS

**L2039. Minor's Action—Compromise, Settlement, etc.** No settlement of an action of a minor for personal injuries will be authorized or approved without the appearance of the minor in court, medical evidence as to the extent of the minor's injuries, and such further information as the court will deem necessary; provided, however, that if the petition of the guardian for the compromise of a minor's action is accompanied by:

- (1) [a] written [of a physician dated no more than thirty (30) days before filing of the petition] medical evidence as to the minor's medical condition and his or her prognosis,
- (2) a statement under oath by the guardian certifying,
  - (a) the present physical or mental condition of the minor, and
  - (b) approval of the proposed settlement and distribution thereof;
- (3) a statement by counsel of his professional opinion of the probabilities of proof of defendant's negligence by plaintiff and the minor's negligence, if any, by defendant; and,
- (4) in the event that the minor is sixteen (16) years of age or over, his or her written approval of the proposed settlement and distribution thereof;

the judge to whom said petition has been presented may approve the petition without requiring the appearance of the minor, his guardian or his doctor, in the event that he concludes that the information contained in the petition is sufficient to satisfy him that the proposed settlement adequately compensates the minor and his guardian for the injuries sustained and expenses incurred.

[Pa.B. Doc. No. 97-182. Filed for public inspection February 7, 1997, 9:00 a.m.]

## LYCOMING COUNTY

Amendments to Rules of Civil Procedure: Mo-  
tions; 97 00100

## Order

*And Now*, this 13th day of January, 1997, it is hereby *Ordered and Directed* as follows:

1. The following changes to the Lycoming County Rules of Civil Procedure are hereby promulgated and will become effective thirty (30) days after publication in the *Pennsylvania Bulletin*:
  - a. Lycoming County Rules of Civil Procedure L206, L210, L210.1, L210.2, L210.3, L211, L211.1 and L211.2 are rescinded.
  - b. New rules L206, L206.5, L206.7, L210, L219 and L4019 are hereby promulgated.
2. The Prothonotary is directed to:
  - a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.
  - b. Distribute two (2) certified copies of this order to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
  - c. File one (1) certified copy of this order with the Civil Procedural Rules Committee.
  - d. Forward one (1) copy of this order to the Lycoming Reporter for publication therein.
  - e. Keep continuously available for public inspection copies of this order.

*By the Court*

CLINTON W. SMITH,  
*President Judge*

## L206. Motion Procedure.

**A. Application.** The procedure set forth in this rule shall apply to every request for relief, whether by petition, motion, preliminary objection, exception, statutory appeal or stipulation, that the filing party desires to bring before the court.

**B. Cover sheet.** A cover sheet substantially in the form set forth in subsection G below shall be attached to the front of every request for relief to which this rule applies. The cover sheet shall be so attached whether or not a rule to show cause is required by Lyc.Co.R.C.P. L206.5. If a cover sheet is not attached as required by this rule, the court will not act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party.

**C. Filing.** Every request for relief to which this rule applies shall be in writing and shall set forth the statute or rule of court relied upon to justify the relief requested. Any such request for relief shall be filed in duplicate with the prothonotary and shall include a certificate of service which shall state the date and manner of service upon the parties or their counsel.

**D. Proposed order.** An order granting the relief requested shall be attached to the cover sheet.

**E. Expedited Consideration.** If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration may be



requested if the date of the pre-trial conference has been set or if the case has already been pre-tried. The statute or rule under which expedited consideration is required shall be cited.

F. *Scheduling.* The court shall schedule argument, hearing or briefing as required, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The due dates of briefs, if ordered, shall also be noted on the cover sheet. the prothonotary shall forward the completed cover sheet

to the filing party or counsel. The filing party or counsel shall be responsible for identifying all parties or their counsel on the cover sheet and for serving the completed cover sheet upon all parties or their counsel. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

G. *Form.* The form of the cover sheet shall be substantially as follows:

LYCOMING COUNTY COURT OF COMMON PLEAS  
LOCAL RULE L206 COVER SHEET

(CAPTION)

Docket No. \_\_\_\_\_

Case Assigned to Judge \_\_\_\_\_  
None ☐

1. Name of Filing party \_\_\_\_\_

2. Filing party's attorney:

3. Type of filing: \_\_\_\_\_

4. The following is/are required:

- ☐ Issuance of a rule to show cause
- ☐ Argument
- ☐ Factual Hearing
- ☐ Court conference
- ☐ Entry of an order in an uncontested matter or upon agreement of the parties (attach all supporting documentation)
- ☐ Expedited consideration. State the basis:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Time required: \_\_\_\_\_

6. Name and addresses of all counsel of record and unrepresented parties. (Continue on separate sheet.)

ORDER

An (argument) (factual hearing) (court conference) is scheduled for \_\_\_\_\_ at \_\_\_\_ m. in court-room no. \_\_\_\_.

Briefs (are)(are not) required. Filing party's brief is due \_\_\_\_\_. Responding brief[s] is [are] due \_\_\_\_\_.

THE FILING PARTY SHALL SERVE A COPY OF THIS EXECUTED SCHEDULING ORDER ON ALL COUNSEL OR UNREPRESENTED PARTIES.

\_\_\_\_\_  
Judge

**L206.5. Rules to Show Cause.**

The rule to show cause procedure of Pa.R.C.P. No. 206.5 is adopted. A rule to show cause shall be filed only under the circumstances set forth in Pa.R.C.P. No. 206.5(a) and in the case where discovery is required for the court to decide the petition or where a stay is requested. These rules recognize no other use of a rule to show cause. If a rule to show cause is improperly filed, the court shall ignore the rule to show cause and proceed under Rule L206, unless the court determines that the issuance of a rule to show cause will serve the interests of justice in the particular case.

**L206.7. Procedure After Issuance of Rule to Show Cause.**

A. Briefs, if required, will be ordered by the court.

B. The court will consider the petition and answer, and discovery and briefs, if any, at the time set for argument or hearing.

**L.210. Briefs.**

A. The court may order briefs. If briefs are ordered, the completed cover sheet shall indicate the due dates of the briefs.

B. Three copies of all briefs shall be filed with the prothonotary. All parties shall be served with a copy of the brief contemporaneously with the filing of the brief.

C. Where briefs are required and are not timely filed, the court may treat the request for relief as having been submitted by the defaulting party and proceed ex parte, or impose such other sanction as it shall deem appropriate.

**L4019. Discovery Motions.**

A. All motions to compel or for a protective order shall include a certification by moving counsel that concurrence in the motion was sought from opposing counsel. The certification shall be contained on a separate page and attached to the end of the motion. The certification shall state the following information:

1. the manner in which concurrence was sought; and,
2. whether or not concurrence was given, and if given in part and denied in part, the extent to which concurrence was given.

If contact with opposing counsel can not be made prior to the filing of the motion, the moving party shall so state in the certification. The moving party has a continuing obligation to contact opposing counsel to secure the concurrence or nonconcurrence of counsel.

B. Concurrence need not be sought from pro se parties. The certification required in A above shall state that concurrence was not sought for this reason.

C. Concurrence may not be unreasonably refused by opposing counsel. If the court finds that concurrence was properly sought, and unreasonably refused, the court may award attorneys fees and expenses to the moving party, and may impose such other sanctions as are permitted by the Pennsylvania Rules of Civil Procedure.

D. If a motion to compel discovery is accompanied by an affidavit or verified statement documenting compliance with the Pennsylvania Rules of Civil Procedure by the moving party in making the discovery requests to the opposing party and stating that the opposing party has failed to timely object or respond to the discovery request, the court in its discretion, may, without hearing or

argument, issue an order compelling service of the discovery response. If the discovery response is not served as directed by the court order, the moving party may file a Rule L206 cover sheet requesting a hearing or argument on the original motion. If, after hearing or argument, the court finds that the responding party has not complied with the court order, the responding party shall be subject to sanctions under Pa.R.C.P. No. 4019, whether or not such sanctions are demanded in the original motion.

[Pa.B. Doc. No. 97-183. Filed for public inspection February 7, 1997, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Leon G. Maquera has been suspended from the practice of law in the Territory of Guam by Judgement of the Superior Court of Guam filed on June 12, 1996. The Supreme Court of Pennsylvania issued an Order dated January 22, 1997, suspending Leon G. Maquera from the Bar of this Commonwealth consistent with the Judgement of the Superior Court of Guam.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-184. Filed for public inspection February 7, 1997, 9:00 a.m.]

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### Notice of Suspension

Notice is hereby given that on January 22, 1997, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Raymond S. Wittig has been placed on Temporary Suspension by the Supreme Court of Pennsylvania until further Order of the Court.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 97-185. Filed for public inspection February 7, 1997, 9:00 a.m.]

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 86]

### Bonding, Civil Penalties and Areas Unsuitable for Mining

The Environmental Quality Board (Board) proposes to amend Chapter 86 (relating to surface and underground coal mining: general). The amendments are the result of the Department of Environmental Protection's (Department) Regulatory Basics Initiative to revise regulations which are more stringent than Federal law. These amendments affect the process for designating areas unsuitable for mining, bonding and civil penalties.

This proposal was adopted by the Board at its meeting of October 15, 1996.

#### A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

#### B. Contact Persons

For further information contact Evan T. Shuster, Chief, Division of Monitoring and Compliance, Bureau of Mining and Reclamation, P. O. Box 8461, Room 203 Executive House, Harrisburg, PA 17105-8461 (717) 787-7846, or Joseph Pizarchik, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464 (717) 787-7060. Information regarding submitting comments on this proposal appears in Section I of this Preamble. Persons with a disability may use the AT & T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's web site (<http://www.dep.state.pa.us>).

#### C. Statutory Authority

These amendments are proposed under the rulemaking authority of the following acts: sections 4(d) and 4.2(a) of the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.4(d) and 1396.4b(a)); sections 5(b) and 315(b) of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.315(b)); sections 3.2(a) and 6(a) of the Coal Refuse Disposal Control Act (52 P. S. §§ 30.53b(a) and 30.56(a)); section 7(b) of The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. § 1406.7(b)); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorize the Board to adopt regulations necessary for the Department to perform its work.

#### D. Background and Purpose

In August of 1995, the Department began the Regulatory Basics Initiative to analyze regulations which were more stringent than Federal law and regulation. Regulations which are more stringent than Federal requirements are being proposed for revision, unless the Department determines that more stringent State requirements are appropriate and necessary. Under this initiative the Department solicited public input through a notice in the *Pennsylvania Bulletin* and the Department's web site. The amendments being proposed at this time are the result of suggestions from the public and the Department's own review of its regulations.

The proposed amendments were discussed with the Mining and Reclamation Advisory Board (MRAB). The MRAB recommended these regulations be amended at its meeting on October 3, 1996.

#### E. Summary of Regulatory Requirements

As explained in Section D of this Preamble, these regulations are proposed for amendment because they contain requirements which are more stringent than their Federal counterpart. A description of the changes and the Federal counterpart follows:

##### *Pennsylvania*

##### *Federal*

##### *General Provisions*

##### § 86.1 Definitions

30 CFR 773.5

The definition of "related party" is revised to exclude persons who are not included in the definition of "owned or controlled" and "owns or controls" based on percentage of ownership. The Commonwealth's definitions of "owned or controlled and owns or controls" is revised to refer to the Federal criteria on percentage of ownership.

A definition of "willful violation" is added to make the Commonwealth's regulations comparable to the Federal language.

##### *Criteria and Procedure for Designating Areas as Unsuitable for Surface Mining*

##### § 86.124(a)(6)

30 CFR 764.15(a)(6)

The current regulation allows for the submission of a petition to designate an area as unsuitable for mining to block issuance of a permit application if the petition for the same area is submitted prior to the close of the public comment period on the permit application. The proposed change gives the Department discretion to return a petition received after the first newspaper notice of the permit application has been published if the petition pertains to an area for which an administratively complete surface mining permit application has been filed.

##### *Bond Amount*

##### § 86.152 Adjustments

30 CFR 800.15(b)(2)

This change requires the Department to notify the permittee and surety of a proposed bond adjustment and to allow for an informal conference.

##### *Forms, Terms and Conditions*

##### § 86.156 Form of the bond

30 CFR 800.12

##### § 86.160 Surety/collateral combination bond

The revised language lists self-bonds as an acceptable form of bond and allows self-bonds to be used in combination with other forms of bonds. The title of § 86.160 is revised accordingly. The change does not affect the requirements of § 86.159 which provides that the Department will not accept a self-bond covering long-term indeterminate liabilities.

##### *Release of Bonds*

##### § 86.171(d) Procedures for seeking release of bond

30 CFR 800.40(b)

This amendment limits the Department's reason for delaying inspection of an operator's reclamation work to weather conditions.

##### *Bond Forfeiture*

##### § 86.182 Procedures

30 CFR 800.50(a)(2)

This amendment requires the Department to notify the permittee and surety, if applicable, of its intent to forfeit and the conditions under which forfeiture can be avoided.

#### *Civil Penalties*

##### § 86.193 Assessment of penalty 30 CFR 845.12

This section is revised to increase the dollar amount at which assessment of a civil penalty becomes mandatory and to delete certain mandatory civil penalties not found in Federal regulation.

##### § 86.194(a) and (b) System for Assessment of Penalties 30 CFR 845.13

Subsection (a) is revised to correct a reference. Subsection (b) is revised to reflect, in part, the civil penalty amounts which would be calculated under the Federal system for determining civil penalties at 30 CFR 845.13. These amendments lower the amount of penalties generally assessed for seriousness and negligence, reduce the minimum penalty assessed for willful violations, require a credit be given for rapid speed of compliance, eliminate the penalty for slow compliance, and reduce the review period on previous violations from 2 years to 1 year. Not being changed is the Department's authority to assess up to the statutory maximum for a violation. The revisions also include a provision to allow the Department to revise a civil penalty for exceptional factors. Minor changes are made to clarify the language dealing with the cost to the Commonwealth.

##### § 86.195 Penalties against corporate officers 30 CFR 846.18

This section is amended to provide for a stay and withdrawal of individual civil penalties under certain conditions.

##### § 86.201 Procedures for assessment of civil penalties 30 CFR 845.17

This section is revised to allow an operator to submit additional information concerning a violation and to restrict the use of certain evidence in formal appeal proceedings.

##### § 86.202 Appeal procedures 30 CFR 845.19

The title of this section is revised to reflect that § 86.202 establishes when a Department action becomes final. The regulations of the Environmental Hearing Board, §§ 1021.1—1021.124, establish the procedures for filing an appeal.

#### *F. Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the proposal.

#### *Benefits*

These amendments are proposed in order to make the Commonwealth's coal mining regulations no more stringent than their Federal counterparts. The coal mining industry in this Commonwealth will benefit from these amendments through reduced civil penalties, by receiving prior notice of Department actions on bond adjustments and bond forfeiture and from having an opportunity to provide additional information concerning circumstances related to civil penalty assessments.

#### *Compliance Costs*

The proposed changes are primarily procedural and administrative in nature. They will impose no additional compliance costs on the regulated community.

#### *Compliance Assistance Plan*

Since coal mining regulation is an established program in this Commonwealth, compliance assistance will be limited to a simple effort to inform the industry of the specific changes in the program. This can be accomplished by mailing fact sheets directly to coal mine operators. If necessary, regional roundtable meetings with the industry will be arranged.

The Department also conducts informal public information workshops for organizations and persons who may be interested in petitioning to have an area declared unsuitable for mining. The workshops are available upon request and will be modified to describe the change to the petition process made by these amendments.

#### *Paperwork Requirements*

The proposed amendments will impose no additional paperwork on the regulated community. It will be necessary for the Department to revise several existing forms and technical guidance documents.

#### *G. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on January 29, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed amendments, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before final publication of the regulations.

#### *I. Public Comments*

*Written comments.* Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments received by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by March 10, 1997. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by March 10, 1997 (within 30 days of publication in the *Pennsylvania Bulletin*). The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

*Electronic comments.* Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by

March 10, 1997 (within 30 days of publication in the *Pennsylvania Bulletin*). A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,  
Chairperson

(Editor's Note: See 26 Pa.B. 5962 (December 14, 1996) for a recent amendment to § 86.124. It will be codified in the February 1997 issue of the *Pennsylvania Code Reporter* (MTS 267).)

**Fiscal Note:** 7-302. (1) the Surface Mining Conservation and Reclamation Fund; (2) Implementing Year 1995-96 is \$88,000; (3) 1st Succeeding Year 1996-97 is \$88,000; 2nd Succeeding Year 1997-98 is \$88,000; 3rd Succeeding Year 1998-99 is \$88,000; 4th Succeeding Year 1999-00 is \$88,000; 5th Succeeding Year 2000-01 is \$88,000; (4) Fiscal Year 1994-95 \$31,383,000; Fiscal Year 1993-94 \$29,196,000; Fiscal Year 1992-93 \$20,799,000; (7) Fines and Penalties; (8) recommends adoption.

These regulations may also result in increased litigation costs or cost savings, or both, to the Department of Environmental Protection which cannot be estimated at this time. Increased litigation costs may result from an increase in appeals to Department decisions. Cost savings may result from a reduction in petitions that would require Departmental study. At this time, it is not possible to predict what will happen in these two areas.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

##### Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE I. LAND RESOURCES

#### CHAPTER 86. SURFACE AND UNDERGROUND COAL MINING: GENERAL

##### Subchapter A. GENERAL PROVISIONS

#### § 86.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Owned or controlled [ or ] and owns or controls*—One or a combination of the relationships specified in subparagraphs (i)—(iv):

\* \* \* \* \*

(iii) The following relationships are presumed to constitute ownership or control unless a person can demonstrate that the person subject to the presumption does not in fact have the authority directly or indirectly to determine the manner in which the relevant coal mining activity is conducted:

\* \* \* \* \*

(E) Based on the instruments of ownership or the voting securities of a corporate entity, owning of record [ 10—50% ] a percentage of the entity as established in the definition of “owned or controlled and owns

or controls” in 30 CFR 773.5 (relating to definitions).

\* \* \* \* \*

*Related party*—A partner, associate, officer, director, shareholder, parent corporation, subsidiary corporation, affiliate or persons under common control with the applicant, contractor or subcontractor. **The term does not include persons who are excluded, based on a percentage of ownership, under the definition of “owned or controlled and owns or controls.”**

\* \* \* \* \*

**Willful violation**—An act or omission which violates the acts, this chapter, Chapter 87, 88, 89 or 90, or a permit condition required by the acts, this chapter or Chapter 87, 88, 89 or 90, committed by a person who intends the result which actually occurs.

#### Subchapter D. AREAS UNSUITABLE FOR MINING CRITERIA AND PROCEDURES FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE MINING

#### § 86.124. Procedures: initial processing, record-keeping and notification requirements.

(a) Within 30 days of receipt of a petition, the Department will notify the petitioner by certified mail whether or not the petition is complete as required by § 86.123 (relating to procedures: petitions). If the 30-day requirement of this subsection cannot be met due to the staff limitations of the Department, the Department may process the [ petitions ] petition in accordance with the priority system authorized by subsection (b)(2). Within this 30-day period, the Department will also notify an applicant with pending surface mining permit applications in the area covered by the petition.

\* \* \* \* \*

(6) The Department [ will not issue permits for surface mining activities in areas included within a ] may determine not to process any petition for a designation under § 86.122 (relating to criteria for designating lands as unsuitable) [ if the petition is received by the Department prior to the close of the public comment period for the permit, unless the permit applicant establishes prior substantial legal and financial commitments in a surface mining operation within the proposed permit area. A petition received after the close of the public comment period on a permit application relating to the same permit area will not prevent the Department from issuing a decision on that permit application. For the purpose of this section, “close of the public comment period” means at the close of a public hearing held on the permit, or, if no hearing is held, at the close of the comment period following public notice of the permit application ] insofar as it pertains to an area for which an administratively complete surface mining operation permit application has been filed and the first newspaper notice has been published. Once a petition has been returned to the petitioner under this [ subchapter, ] section the Department may proceed to issue a decision on a permit application received for mining in the area included within the petition.

\* \* \* \* \*

## Subchapter F. BONDING AND INSURANCE REQUIREMENTS

### AMOUNT AND DURATION OF LIABILITY

#### § 86.152. Adjustments.

(a) The Department may require a permittee to deposit additional bonding if the methods of mining or operation change, standards of reclamation change or the cost of reclamation, restoration or abatement work changes. This requirement shall only be binding upon the permittee and does not compel a third party, including surety companies, to provide additional bond coverage.

\* \* \* \* \*

(d) The Department will notify the permittee, the surety and any person with a property interest in collateral who has requested the notification, of any proposed adjustment to the bond amount. The Department will also provide the permittee an opportunity for an informal conference on the adjustment.

(Departmental Note: Another rulemaking package containing a subsection (d) to § 86.152 was approved by the Board as final rulemaking on November 19, 1996. Therefore, the subsection (d) which appears above will be designated as subsection (e) when this proposal is adopted.)

### FORM, TERMS AND CONDITIONS OF BONDS AND INSURANCE

#### § 86.156. Form of the bond.

(a) The Department will accept the following types of bonds:

\* \* \* \* \*

#### (3) A self bond.

[ (3) ] (4) A combination [ surety and collateral bond ] of bonding instruments as provided in § 86.160 (relating to [ surety/collateral ] combination [ bond ] of bonding instruments), for coal surface mining activities.

[ (4) ] (5) \*\*\*

[ (5) ] (6) \*\*\*

\* \* \* \* \*

#### § 86.160. [ Surety/collateral combination bond ] Combination of bonding instruments.

A permittee for a coal mining activities permit may post a combination of surety, [ and ] collateral and self-bonds for the permit. A bond instrument shall be construed as part of the bond for the entire permit.

### RELEASE OF BONDS

#### § 86.171. Procedures for seeking release of bond.

\* \* \* \* \*

(d) The Department will inspect and evaluate the reclamation work involved within 30 days after receiving a completed application for bond release, or as soon thereafter as [ possible ] weather conditions permit. The surface owner, agent or lessee shall be given notice of the inspection and may participate with the Department in making the bond release inspection.

\* \* \* \* \*

## BOND FORFEITURE

### § 86.182. Procedures.

#### (a) The Department will:

(1) Send written notification by mail to the permittee, and the surety on the bond of the Department's intent to forfeit the bond and the reasons for the forfeiture.

(2) Advise the permittee and surety, if applicable, of the conditions under which forfeiture may be avoided. These conditions may include either of the following:

(i) Agreement by the permittee or another party to perform reclamation operations in accordance with a compliance schedule which meets the conditions of the permit, the reclamation plan, and the regulatory program and a demonstration that the party has the ability to satisfy the conditions.

(ii) Allowing a surety to complete the reclamation plan, if the surety can demonstrate an ability to complete the reclamation in accordance with the approved reclamation plan. Surety liability will not be released until successful completion of reclamation under the terms of the permit, including applicable liability periods of § 86.151 (relating to period of liability).

[ (a) ] (b) \*\*\*

[ (b) ] (c) \*\*\*

[ (c) ] (d) \*\*\*

[ (d) ] (e) \*\*\*

[ (e) ] (f) \*\*\*

[ (f) ] (g) \*\*\*

## Subchapter G. CIVIL PENALTIES FOR COAL MINING ACTIVITIES GENERAL PROVISIONS

### § 86.193. Assessment of penalty.

\* \* \* \* \*

(b) The Department will assess a civil penalty for each violation if the violation is assessable in an amount of [ \$1,000 ] \$1,100 or more under the system for assessment described in § 86.194 (relating to system for assessment of penalties).

(c) The Department may assess a penalty for each violation which is assessable in an amount less than [ \$1,000 ] \$1,100 under the system for assessment described in § 86.194.

[ (d) ] When an operator conducts surface mining activities on an area for which the operator was not permitted to conduct the activities and in so doing violates § 86.102 (relating to areas where mining is prohibited or limited), the Department will assess a minimum civil penalty of \$5,000. If a civil penalty is assessed under this subsection, the Department is not required to assess a civil penalty under subsections (e) and (f).

(e) When an operator extracts coal or removes overburden or topsoil from an area for which the operator was not permitted to conduct these activities, the Department will assess a minimum civil penalty of \$2,000 per acre. For purposes of this

subsection, any part of an acre disturbed will be assessed the same as if the entire acre had been disturbed.

(f) When an operator conducts surface mining activities other than those described in subsection (e) on an area for which the operator was not permitted to conduct the activities, the Department will assess a minimum civil penalty of \$1,000 per acre. For purposes of this subsection, any part of an acre disturbed will be assessed the same as if the entire acre had been disturbed.

(g) The Department will also calculate a civil penalty under § 86.194 for the violations described in subsections (d)—(f). The Department will assess a civil penalty under § 86.194 instead of the subsections for these violations only if a civil penalty calculated under § 86.194 is greater in amount than the civil penalty calculated under this section. ]

#### § 86.194. System for assessment of penalties.

(a) The Department and, in event of appeal, the EHB, will use the system described in this section to determine the amount of the penalty and whether a mandatory penalty will be assessed as provided in § 86.193 [ (b) ] (relating to assessment of penalty). Unless otherwise indicated in this section, the penalty may be set at any amount from zero through the maximum amount specified in this section.

(b) Civil penalties will be assessed as follows:

(1) *Seriousness.* Up to [ the statutory maximum ] \$1,000 will be assessed based on the seriousness of the violation, including:

\* \* \* \* \*

(vi) [ Other relevant factors ] An additional amount up to the statutory maximum may be assessed in extraordinary circumstances.

(2) *Culpability.* If the violation was caused, contributed to or allowed to continue due to negligence on the part of persons working on the exploration or surface mining site, a penalty of up to [ \$1,500 ] \$240 will be assessed depending on the degree of negligence of the persons. If the violation was willful or the result of reckless conduct on the part of the person working on the exploration or surface mining site, a penalty of up to the statutory maximum but at least [ \$2,000 ] \$250, will be assessed.

(3) *Speed of compliance.* A [ penalty will be assessed or a ] credit will be given of up to \$1,000 based on the person's attempt to achieve rapid compliance after the person knew or should have known of the violation. If the violation is abated within the time period in an abatement order, a [ penalty will not be assessed ] credit will not be given under this paragraph [ . Otherwise, a penalty will be assessed if the violation is not abated within a reasonable time. If ] unless the violation is abated in the shortest possible time, in which case a credit of up to \$1,000 will be given. The credit will be available to offset only civil penalties assessed for the specific violation at issue.

(4) *Cost to the Commonwealth.* A penalty of up to the statutory maximum may be assessed based on the costs expended by the Commonwealth as a result of the violation. The costs may include [ , without limitation ]:

(i) [ The administrative ] Administrative costs.

\* \* \* \* \*

(6) *History of previous violations.* In determining a penalty for a violation, the Department will consider previous violations of the applicable laws for which the same person or municipality has been found to have been responsible in a prior adjudicated proceeding, agreement, consent order or decree which became final within the previous [ 2-year ] 1-year period on the permit where the violation has occurred. The penalty otherwise assessable for each violation shall be increased by a factor of 5% for each previous violation. The total increase in assessment based on history of previous violation will not exceed \$1,000.

\* \* \* \* \*

(f) *Revision of civil penalty.*

(1) The Department, upon its own initiative or upon written request received within 15 days of issuance of an order or cessation order, may revise a civil penalty calculated in accordance with the dollar limits in subsection (b), if the Department determines that, taking into account exceptional factors present in the particular case, the civil penalty is demonstrably unjust. The Department will not reduce the civil penalty on the basis of an argument that a reduction in civil penalty could be used to abate violations of the acts, this chapter, Chapter 87, 88, 89 or 90, or a condition of a permit or exploration approval. The basis for every revision of a civil penalty shall be fully explained and documented in the records of the case.

(2) If the Department revises the civil penalty, the Department will use the general criteria in subsection (b) to determine the appropriate civil penalty. When the Department has elected to revise a civil penalty, the Department will give a written explanation of the basis for the revised civil penalty to the person to whom the order was issued.

#### § 86.195. Penalties against corporate officers.

\* \* \* \* \*

(c) When the Department and the permittee or corporate officer have agreed in writing on a plan for the abatement of or compliance with the failure to abate order, the corporate officer may postpone payment until receiving a decision under § 86.203 (relating to final assessment and payment of penalty), or written notice that abatement or compliance is satisfactory and the penalty has been withdrawn.

### PROCEDURES

#### § 86.201. Procedures for assessment of civil penalties.

(a) Within 15 days of service of a notice of violation or order, the person to whom it was issued may submit written information about the violation to the Department and to the inspector who issued the order. The Department will consider any information so submitted in determining the facts surrounding the violation and amount of the penalty.

[ (a) ] (b) \*\*\*

[ (b) ] (c) \*\*\*

[ (c) ] (d) \*\*\*

[ (d) ] (e) \*\*\*

**(f) At formal review proceedings under § 86.202 (relating to final action) no evidence as to statements made or evidence produced by one party at a conference shall be introduced as evidence by another party or to impeach a witness.**

[ (e) ] (g) \*\*\*

§ 86.202. [ **Appeal procedures** ] **Final action.**

\* \* \* \* \*

[Pa.B. Doc. No. 97-186. Filed for public inspection February 7, 1997, 9:00 a.m.]

## [25 PA. CODE CH. 171] Schools

The Environmental Quality Board (Board) proposes to delete Chapter 171 (relating to schools), ending the Department's responsibility to inspect private and public schools for basic sanitation. This action is proposed to eliminate redundancy that currently exists with other State programs that provide for adequate sewage disposal, safe water supplies and food protection. The Department's administration of the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17); the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and the Storage Tank and Spill Prevention Act (35 P.S. §§ 6020.101—6020.2105) ensures basic sanitation standards and public health standards are met at schools.

This proposal was adopted by the Board at its meeting of December 17, 1996.

### A. *Effective Date*

This proposal will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

### B. *Contact Persons*

For further information contact Glenn Maurer, Director, Bureau of Water Supply and Community Health, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467 (717) 787-9035 or Pamela Bishop, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA, 17105-8464 (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this Preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

### C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20) which delegates to the Board rulemaking authority.

### D. *Background and Purpose*

The deletion of Chapter 171 would end the Department's inspection of sanitary conditions at private and public school buildings and grounds. The school program has significantly changed in the past 10 years. Specific

statutorily mandated State regulatory programs now require adequate sewage disposal, safe drinking water, solid waste disposal, safe food preparation and safe bathing places. To eliminate the overlapping of inspectional activities carried out by other State environmental health programs, the Department proposes to eliminate this duplicative program. The Department ensures basic sanitation standards and public health standards are met at schools through its administration of the Pennsylvania Sewage Facilities Act, The Clean Streams Law, the Pennsylvania Safe Drinking Water Act, the Solid Waste Management Act and the Pennsylvania Storage Tank and Spill Prevention Act.

### E. *Summary of Regulatory Changes*

The existing regulations were identified as redundant and obsolete during a recent review of the Department's regulations. The review was directed by the Department's Regulatory Basic Initiative and Executive Order 1996-1 concerning Regulatory Review and Promulgation. This proposed rulemaking eliminates the regulatory authority to require compliance with basic environmental sanitation standards that are now addressed by more recent regulatory programs. This action eliminates redundant authority to regulate sewage disposal, safe drinking water, food protection, solid waste disposal and safe bathing places.

### F. *Benefits and Costs*

Executive Order 1996-1 requires a cost/benefit analysis of the proposed deletion. Public and private schools will benefit from the deletion of these regulations. The elimination of the Department's school program reduces an unnecessary and redundant review and approval procedure of planned construction. There may be an undetermined costs savings associated with preparation and submission of school plans for the Department's review and approval. There are no compliance costs associated with this proposal.

### G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Department submitted a copy of the proposed rulemaking on January 29, 1997, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In addition to submitting the proposed deletion, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department. A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed deletion, it will notify the Department within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review by the Department, the Governor and the General Assembly before final publication of a regulation.

### H. *Public Comments*

*Written comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed deletion to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 15th Floor 400 Market Street, Harrisburg, PA 17101-2301.) Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board



by March 10, 1997 (within 30 days of publication in the *Pennsylvania Bulletin*). Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by March 10, 1997. The one page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic comments.* Comments may be submitted electronically to the Board at RegComments@A1.dep.state.pa.us and must also be received by the Board by March 10, 1997 (within 30 days of publication in the *Pennsylvania Bulletin*). A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JAMES M. SEIF,  
*Chairperson*

**Fiscal Note:** 7-305. No fiscal impact; (8) recommends adoption. The deletion of Chapter 171 will end the Department's redundant and duplicative activities associated with the inspection and oversight of basic sanitation in schools. These activities are funded through the Environmental Program Management Appropriation. The De-

partment will experience a reduction in administrative workload as a result of this deletion. Staff time saved as a result of this repeal will be redirected to other program activities funded by the Environmental Program Management Appropriation.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION

#### PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE II. (Reserved)

#### CHAPTER 171. (Reserved)

#### §§ 171.1—171.16. (Reserved).

(*Editor's Note:* Chapter 171 is proposed to be deleted in its entirety. The current text of Chapter 171 appears at 25 Pa. Code pages 171-1 to 171-5, serial page numbers (219293) to (219294) and (217373) to (217375).)

[Pa.B. Doc. No. 97-187. Filed for public inspection February 7, 1997, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective January 22, 1997.

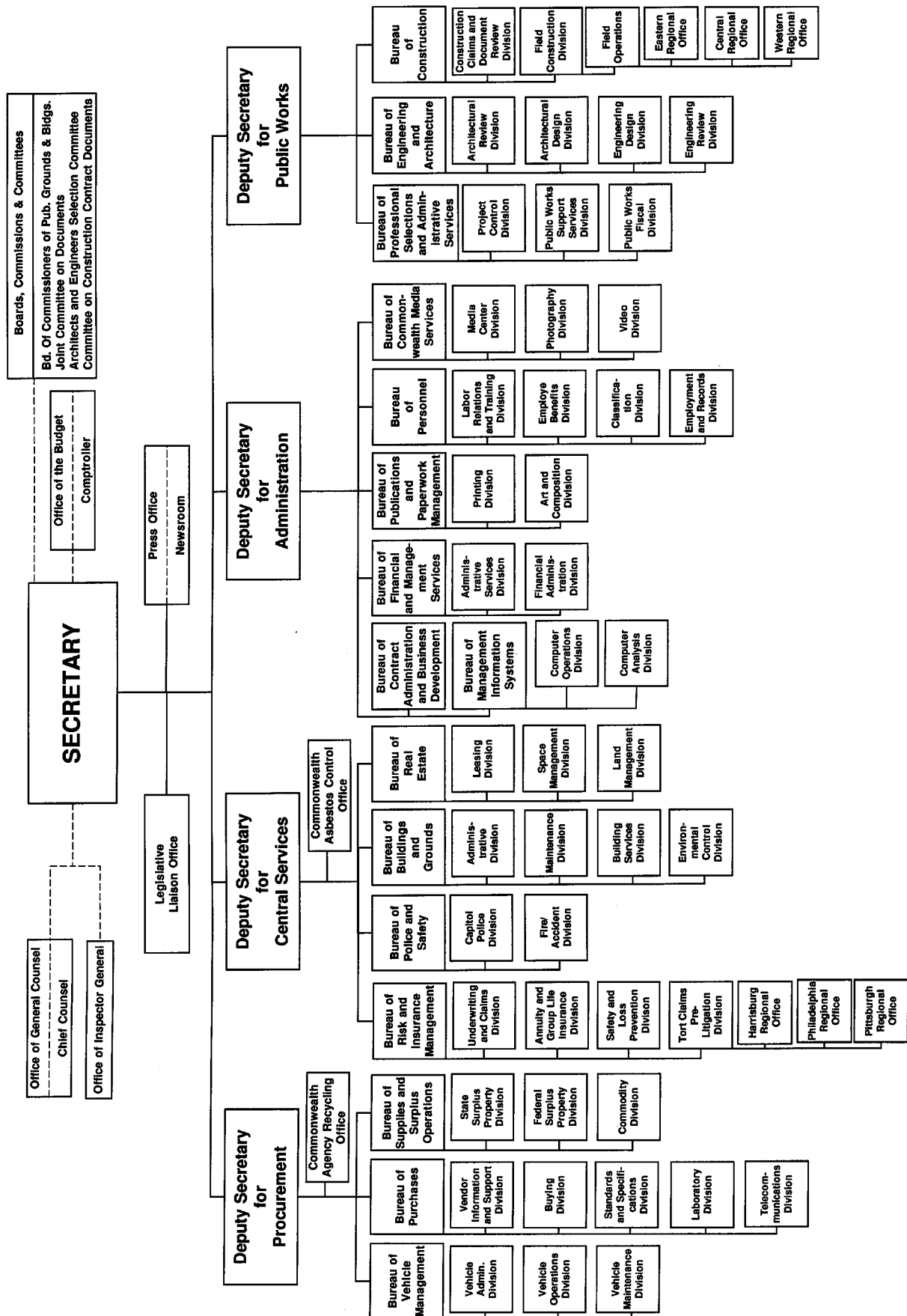
The organization chart at 27 Pa.B. 738 (February 8, 1997) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 97-188. Filed for public inspection February 7, 1997, 9:00 a.m.]

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## DEPARTMENT OF GENERAL SERVICES



# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending January 28, 1997.

### BANKING INSTITUTIONS

#### New Charter Applications

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 1-28-97     | Northwest Interim Savings Bank I<br>Warren<br>Warren County   | Warren          | Filed         |
|             | Interim savings bank being formed in connection with the "two-tier" reorganization of Northwest Savings Bank, Warren. |                 |               |

#### Conversions

| <i>Date</i> | <i>Name of Institution</i>   | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 1-28-97     | Wilbur Savings and Loan Association<br>Bethlehem<br>Northampton County   | Bethlehem       | Filed         |
|             | <i>To:</i><br>Wilbur Savings Bank<br>Bethlehem<br>Northampton County<br>Application represents conversion from a State-chartered mutual savings and loan association to a State-chartered mutual savings bank. |                 |               |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i> | <i>Action</i>                |
|-------------|--|-----------------|------------------------------|
| 1-24-97     | Union Bank and Trust Company<br>Pottsville<br>Schuylkill County  | Pottsville      | Effective                    |
|             | Purchase of assets/assumption of liabilities of two branch offices of Pennsylvania National Bank and Trust Company, Pottsville, located at:<br>101 North Front Street<br>Auburn<br>Schuylkill County |                 |                              |
|             | 450 West Shamokin Street<br>Trevorton<br>Northumberland County   |                 |                              |
| 1-27-97     | Pennwood Savings Bank, Pittsburgh<br>and Pennwood Interim Savings<br>Bank, Pittsburgh<br>surviving institution—<br>Pennwood Savings Bank, Pittsburgh   | Pittsburgh      | Approved<br>and<br>Effective |
|             | Subject merger is being effected solely to facilitate the acquisition of Pennwood Savings Bank, Pittsburgh, by Pennwood Bancorp, Inc., Pittsburgh, new bank holding company.                         |                 |                              |

#### Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i>                            | <i>Location</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 1-27-97     | Summit Bank<br>Bethlehem<br>Northampton County | 3933 Freemansburg Ave.<br>Bethlehem<br>Northampton County | Filed         |

## SAVINGS ASSOCIATIONS

No activity.

## CREDIT UNIONS

## Conversions

| <i>Date</i> | <i>Name of Credit Union</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 1-27-97     | Norristown Bell Federal<br>Credit Union<br>Blue Bell<br>Montgomery County | Blue Bell       | Filed         |

*To:*

Norristown Bell Credit Union  
Blue Bell  
Montgomery County

Application represents conversion from a Federally-chartered credit union to a State-chartered credit union.

RICHARD C. RISHEL,  
*Secretary*

[Pa.B. Doc. No. 97-189. Filed for public inspection February 7, 1997, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Proposed Exchange of Rights-of-Way

The Department of Conservation and Natural Resources, acting through the Bureau of Forestry, and Levearl and Walter L. Schriever of Warfordsburg, PA, are proposing to negotiate an exchange of rights of way in Brush Creek Township, Fulton County, PA. This transfer is being considered for the purpose of securing a recorded, permanent access to a tract of the Buchanan State Forest.

The Bureau of Forestry is proposing to acquire from Levearl and Walter L. Schriever 623.70 lineal feet of permanent right of way along the existing Welsh Road on Town Hill.

In return, the Bureau of Forestry proposes to convey to Levearl and Walter L. Schriever 3,271.62 feet of perma-

nent right of way along the same Welsh Road where it crosses Commonwealth ownership.

As is the policy of the Department of Conservation and Natural Resources, the public is hereby notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing February 10, 1997 and ending March 11, 1997. Oral or written comments or questions concerning this proposed exchange may be addressed to: Dr. James R. Grace, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, telephone (717) 787-2703. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department of Conservation and Natural Resources may schedule a public informational meeting.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 97-190. Filed for public inspection February 7, 1997, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

### APPLICATIONS

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standard and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the office noted above the application within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodations to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

**Applications for National Pollutant Discharge Elimination System (NPDES) Permit to discharge to State waters.**

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*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**PA 0057061.** Sewage, **Upper Frederick Township**, P. O. Box 597, Frederick, PA 19435 and JRP Development LTD, 210 Bassett Court, Limerick, PA 19468.

This application is for issuance of an NPDES permit to discharge treated sewage from the Ivy Ridge STP in Upper Frederick Township, **Montgomery County**. This is a new discharge to Scioto Creek.

The receiving stream is classified for warm water fish, trout stocking, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing and water contact sports.

The proposed effluent limits for Outfall 001, based on an average flow of 21,525 gpd are as follows:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>                    | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|--|----------------------------------|---|
| CBOD <sub>5</sub>       | 25   | 40                               | 50                                      |
| Suspended Solids        | 30   | 45                               | 60                                      |
| Ammonia (as N)          |  |                                  |   |
| (5-1 to 10-31)          | 7  |                                  | 14                                      |
| (11-1 to 4-30)          | 20   |                                  | 40                                      |
| Phosphorus (as P)       |  |                                  |   |
| (4-11 to 10-31)         | 2  |                                  | 4                                       |
| Total Residual Chlorine | 0.5  |                                  | 1.2                                     |
| Fecal Coliform          | 200 colonies/100 ml as a geometric average           |                                  |   |
| Dissolved Oxygen        | minimum of 5.0 mg/l at all times                     |                                  |   |
| pH                      | within limits of 6.0—9.0 standard units at all times |                                  |   |

The EPA waiver is in effect.

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*Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Williamsport, PA 17701-6448, telephone (717) 327-3666.*

**PA 0003751.** SIC: 3824, **Rockwell International Corporation**, P. O. Box 4250, Seal Beach, CA 90740-8250.

This proposed action is for renewal of an NPDES permit for a discharge of treated industrial wastewater to Juniata Run in the City of DuBois, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Hawthorne Area Water Authority located at Hawthorne.

The proposed effluent limits for Outfall 001, based on a design flow of 0.124 mgd, are:

| <i>Parameter</i>  | <i>Monthly<br/>Average (ug/l)</i> | <i>Daily<br/>Maximum (ug/l)</i> |
|-------------------|-----------------------------------|---------------------------------|
| Trichloroethylene | 30                                | 60                              |
| pH                | 6.0—9.0 std units                 |                                 |

The EPA waiver is in effect.

**PA 0114464.** SIC: 3824, **Equimeter Incorporated**, P. O. Box 528, DuBois, PA 15801.

This proposed action is for renewal of an NPDES permit for a discharge of treated industrial wastewater to Juniata Run in the City of DuBois, **Clearfield County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the downstream potable water supply (PWS) considered during the evaluation is the Hawthorne Area Water Authority located at Hawthorne.

The proposed effluent limits for Outfall 001, based on a design flow of 0.011 mgd, are:

| <i>Parameter</i>     | <i>Monthly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|----------------------|-----------------------------------|---|
| Total Organic Carbon |                                   |   |
| Oil and Grease       | 15                                | 30                                      |
| pH                   | 6.0—9.0 std units                 |   |

The EPA waiver is in effect.

**PA 0028738.** Sewerage, SIC: 4952, **Ralpho Township Municipal Authority**, 32A South Market Street, Elysburg, PA 17842-9602.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to Shamokin Creek in Ralpho Township, **Northumberland County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company located at Dauphin approximately 60 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.625 mgd, are:

| <i>Parameter</i>                                       | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--|-----------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>                                      | 25                                | 40                               | 50                                      |
| Total Suspended Solids                                 | 30                                | 45                               | 60                                      |
| Fecal Coliforms<br>(5-1 to 9-30)                       | 200/100 ml as a geometric average |                                  |   |
| (10-1 to 4-30)   | 2,000/100 as a geometric average  |                                  |   |
| Total Residual Cl <sub>2</sub><br>1st month—36th month | report                            |                                  | report                                  |
| 37th month—permit expiration date                      | 1.0                               |                                  | 2.3                                     |
| pH   | 6.0—9.0 at all times              |                                  |   |

The EPA waiver is in effect.

**PA 0114855.** Industrial waste, SIC: 5171, **Montour Oil Service Company**, 112 Broad Street, Montoursville, PA 17754.

This proposed action is for renewal of an NPDES permit to discharge treated stormwater runoff from a petroleum marketing terminal to an unnamed tributary to Limestone Run in Lewisburg Borough, **Union County**.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Sunbury Municipal Water Authority located approximately 10 river miles downstream.

The proposed effluent limits for Outfall 001 are:

| <i>Parameter</i>                         | <i>Average<br/>Monthly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--|-----------------------------------|---|
| Total Recoverable Petroleum Hydrocarbons | monitor and report                |   |

*Other Conditions:*

- (1) Treatment facilities must be "API approved oil/water separator."
- (2) Design requirements for sizing treatment units.
- (3) Minimum inspection requirements.
- (4) Disposal of oil and solids.
- (5) Recordkeeping.
- (6) Preparedness, Prevention and Contingency (PPC) Plan.
- (7) No discharge of tank bottom water.
- (8) No discharge of sewage, wash water, boiler blowdown or other wastewaters.
- (9) Additional requirements for discharges of hydrostatic tank test water.

The EPA waiver is in effect.

**PA 0039241.** Sewerage, SIC: 4952, **U. S. Department of Justice**, Allenwood Federal Prison Camp, P. O. Box 1000, Montgomery, PA 17752-9718.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage to an unnamed tributary to Black Run in Gregg Township, **Union County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA American Water Company located at Milton approximately 8 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.1 mgd are:

| <i>Parameter</i>                 | <i>Average<br/>Monthly (mg/l)</i>   | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|----------------------------------|-------------------------------------|---|
| CBOD <sub>5</sub>                | 25                                  | 50                                      |
| TSS                              | 30                                  | 60                                      |
| Fecal Coliforms<br>(5-1 to 9-30) | 200/100 ml as a geometric average   |   |
| (10-1 to 4-30)                   | 2,000/100 ml as a geometric average |   |
| Total Residual Cl <sub>2</sub>   |                                     |   |
| 1st month—6th month              | report                              | report                                  |
| 7th month—permit expiration date | 1.0                                 | 2.3                                     |
| pH                               | within the range of 6.0—9.0         |   |

The EPA waiver is in effect.

**PA 0114693.** Sewerage, SIC: 4952, **Clymer Township Mun. Auth.**, P. O. Box 62, Sabinsville, PA 16943.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to Mill Creek in Clymer Township, **Tioga County**.

The receiving stream is classified for the following uses: trout stocking, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is PA/NY border 35 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.025 mgd, are:

| <i>Parameter</i>                 | <i>Average<br/>Monthly (mg/l)</i>    | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|----------------------------------|--------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>                | 25                                   | 40                               | 50                                      |
| TSS                              | 30                                   | 45                               | 60                                      |
| Ammonia-N<br>(6-1 to 10-31)      | 4                                    | 6                                | 8                                       |
| (11-1 to 5-31)                   | 12                                   | 18                               | 24                                      |
| Total Residual Cl <sub>2</sub>   | 1.0                                  |                                  | 2.3                                     |
| Fecal Coliforms<br>(5-1 to 9-30) | 200 col/100 ml as a geometric mean   |                                  |   |
| (10-1 to 4-30)                   | 2,000 col/100 ml as a geometric mean |                                  |   |
| pH                               | 6.0—9.0 at all times                 |                                  |   |

The EPA waiver is in effect.

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*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

**PA 0060046.** Sewerage, **Can-Do, Inc.**, Mezzanine-Northeastern Bldg., Hazleton, PA 18201.

This proposed action is for renewal of an NPDES permit to discharge treated sewage into Tomahicken Creek in Hazle Township, **Luzerne County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (PWS) considered during the evaluation is Danville Borough Water Co., located on the Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 1.0 mgd are:

| <i>Parameter</i>                     | <i>Monthly<br/>Average (mg/l)</i>  | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--------------------------------------|------------------------------------|---|
| CBOD <sub>5</sub>                    | 25                                 | 50                                      |
| Total Suspended Solids               | 30                                 | 60                                      |
| NH <sub>3</sub> -N<br>(5-1 to 10-31) | 2.4                                | 4.8                                     |
| (11-1 to 4-30)                       | 7.2                                | 14.4                                    |
| Dissolved Oxygen                     | a minimum of 5.0 mg/l at all times |   |
| Fecal Coliforms<br>(5-1 to 9-30)     | 200/100 ml as a geometric mean     |   |
| (10-1 to 4-30)                       | 2,000/100 ml as a geometric mean   |   |



| <i>Parameter</i>                   | <i>Monthly<br/>Average (mg/l)</i>   | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------------------|-------------------------------------|---|
| pH                                 | 6.0—9.0 standard units at all times |   |
| Total Residual Chlorine            | monitor only                        |   |
| First month through 36th month     |                                     |   |
| 37th month through expiration date | .06                                 | .14                                     |
| The EPA waiver is not in effect.   |                                     |   |

**PA 0020435.** Sewerage, **White Haven Municipal Building**, Main Street, 50 East Woodhaven Drive, White Haven, 18661.

This proposed action is for issuance of an NPDES permit to discharge treated sewage into Lehigh River White Haven Borough, **Luzerne County**.

The receiving stream is classified for the following uses: high quality cold water, aquatic life, water supply and recreation.

Effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, were evaluated at the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .100 mgd are:

| <i>Parameter</i>        | <i>Monthly<br/>Average (mg/l)</i>   | <i>Weekly<br/>Average (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       | 25.0                                | 40.0                             | 50.0                                    |
| Total Suspended Solids  | 30.0                                | 45.0                             | 60.0                                    |
| NH <sub>3</sub> -N      |                                     |                                  |   |
| (5-1 to 10-31)          | 4.0                                 | 6.0                              | 8.0                                     |
| (11-1 to 4-30)          | 12.0                                | 18.0                             | 24.0                                    |
| Dissolved Oxygen        | a minimum of 5.0 mg/l at all times  |                                  |   |
| Fecal Coliforms         |                                     |                                  |   |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean      |                                  |   |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean    |                                  |   |
| pH                      | 6.0—9.0 standard units at all times |                                  |   |
| Total Residual Chlorine | 1.0                                 |                                  | 2.0                                     |

The EPA waiver is in effect.

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*Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.*

**PA 0029106.** SIC: 4952, Sewage, **Greenfield Township Municipal Authority**, R. D. 1, Box 585B, Claysburg, PA 16625.

This application is for amendment of an NPDES permit for an existing discharge of treated sewage to Frankstown Branch, in Greenfield Township, **Blair County**.

The receiving stream is classified for trout stocking fishes, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was United Water Company located near Harrisburg. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.25 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>    | <i>Average<br/>Weekly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|--------------------------------------|----------------------------------|---------------------------------|---|
| CBOD <sub>5</sub>       | 25                                   | 40                               |                                 | 50                                      |
| Total Suspended Solids  | 30                                   | 45                               |                                 | 60                                      |
| NH <sub>3</sub> -N      |                                      |                                  |                                 |   |
| (5-1 to 10-31)          | 15                                   |                                  |                                 | 30                                      |
| Total Residual Chlorine | monitor and report                   |                                  |                                 |   |
| Dissolved Oxygen        | minimum of 5.0 at all times          |                                  |                                 |   |
| pH                      | from 6.0—9.0 inclusive               |                                  |                                 |   |
| Fecal Coliforms         |                                      |                                  |                                 |   |
| (5-1 to 9-30)           | 200/100 ml as a geometric average    |                                  |                                 |   |
| (10-1 to 4-30)          | 20,000/100 ml as a geometric average |                                  |                                 |   |

The proposed final effluent limits for Outfall 001 for a design flow of 0.80 mgd are:

| <i>Parameter</i>       | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|-----------------------------------|----------------------------------|---------------------------------|---|
| CBOD <sub>5</sub>      | 25                                | 40                               |                                 | 50                                      |
| Total Suspended Solids | 30                                | 45                               |                                 | 60                                      |

| <i>Parameter</i>                     | <i>Average<br/>Monthly (mg/l)</i>   | <i>Average<br/>Weekly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--------------------------------------|-------------------------------------|----------------------------------|---------------------------------|---|
| NH <sub>3</sub> -N<br>(5-1 to 10-31) | 8.0                                 |                                  |                                 | 16                                      |
| Dissolved Oxygen                     | minimum of 5.0 at all times         |                                  |                                 |   |
| pH                                   | from 6.0—9.0 inclusive              |                                  |                                 |   |
| Fecal Coliforms<br>(5-1 to 9-30)     | 200/100 ml as a geometric average   |                                  |                                 |   |
| (10-1 to 4-30)                       | 7,600/100 ml as a geometric average |                                  |                                 |   |

The EPA waiver is in effect.

**PA 0084948.** SIC: 4951, Industrial waste, **Borough of Waynesboro**, 57 East Main Street, P. O. Box 310, Waynesboro, PA 17268.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to East Branch Antietam Creek, in Quincy Township, **Franklin County**.

The receiving stream is classified for high quality, cold water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Brunswick Mayor Council located in Brunswick, Maryland. The discharge is not expected to impact any potable water supply.

Discharge will not be continuous, but will be only on an emergency basis.

The proposed effluent limits for Outfall 001 for a design flow of 0.1413 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|---------------------------------|---|
| Suspended Solids        | 30                                | 60                              | 75                                      |
| D. O.                   | minimum of 7.0 at all times       |                                 |   |
| pH                      | 6.0—9.0 s.u.                      |                                 |   |
| Total Residual Chlorine | 1.0                               |                                 | 3.27                                    |
| Aluminum                | 3.73                              | 7.46                            | 9.32                                    |
| Iron                    | 1.80                              | 3.60                            | 4.50                                    |
| Manganese               | 0.87                              | 1.74                            | 2.17                                    |
| Copper                  | monitor and report                |                                 |   |
| Zinc                    | monitor and report                |                                 |   |

The EPA waiver is in effect.

**PA 0084816.** SIC: 4613, Industrial waste, **Sun Pipe Line Company**, P. O. Box 2086, Fritztown Road, Sinking Spring, PA 19608.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to swale tributary to Cacoosing Creek in Sinking Spring Borough, **Berks County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the proposed downstream potable water supply intake considered during the evaluation was Glen Alsace Water Company located in Robeson Township. The discharge is not expected to impact any potable water supply.

The proposed effluent limit for Outfall 001 is:

| <i>Parameter</i>                         | <i>Average<br/>Monthly (mg/l)</i> | <i>Maximum<br/>Daily (mg/l)</i> |
|--|-----------------------------------|---------------------------------|
| Total Recoverable Petroleum Hydrocarbons | monitor and report                | monitor and report              |

The EPA waiver is in effect.

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*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**PA 0090522.** Industrial waste, SIC: 4953, **Sacco Disposal Site (Ambridge Landfill)**, c/o **Gabriel Sacco**, Box 368, Ridge Road, Ambridge, PA 15003.

This application is for renewal of an NPDES permit to discharge treated stormwater, leachate and untreated stormwater from the Sacco Disposal Site in Ambridge Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, Ohio River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is Midland Borough Water Authority, located over 18 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.009 mgd.

| <i>Parameter</i>       | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                        | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Flow (mgd)             | monitor and report         |                          |                             |                          |                                  |
| Total Suspended Solids |                            |                          | 30                          |                          | 60                               |
| Oil and Grease         |                            |                          | 15                          |                          | 20                               |
| Sulfate                |                            |                          | monitor and report          |                          |                                  |
| Cadmium                |                            |                          | monitor and report          |                          |                                  |
| Chromium               |                            |                          | monitor and report          |                          |                                  |
| Copper                 |                            |                          | monitor and report          |                          |                                  |
| Total Iron             |                            |                          | 3.5                         |                          | 7.0                              |
| Dissolved Iron         |                            |                          |                             |                          | 7.0                              |
| Manganese              |                            |                          | 2.0                         |                          | 4.0                              |
| Lead                   |                            |                          | monitor and report          |                          |                                  |
| Tin                    |                            |                          | monitor and report          |                          |                                  |
| Zinc                   |                            |                          | monitor and report          |                          |                                  |
| pH                     | 6.0—9.0                    |                          |                             |                          |                                  |

*Other Conditions:* Chemical additive, solids disposal, outfall identification, supersedence of Part II effluent limits, additive approval, stormwater and storm overflow conditions.

Outfall 002: existing discharge, design flow of 0.004 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                  | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Flow (mgd)       | monitor and report         |                          |                             |                          |                                  |
| Suspended Solids |                            |                          | monitor and report          |                          |                                  |
| Oil and Grease   |                            |                          | monitor and report          |                          |                                  |
| Sulfate          |                            |                          | monitor and report          |                          |                                  |
| Cadmium          |                            |                          | monitor and report          |                          |                                  |
| Chromium         |                            |                          | monitor and report          |                          |                                  |
| Copper           |                            |                          | monitor and report          |                          |                                  |
| Total Iron       |                            |                          | monitor and report          |                          |                                  |
| Dissolved Iron   |                            |                          | monitor and report          |                          |                                  |
| Lead             |                            |                          | monitor and report          |                          |                                  |
| Manganese        |                            |                          | monitor and report          |                          |                                  |
| Tin              |                            |                          | monitor and report          |                          |                                  |
| Zinc             |                            |                          | monitor and report          |                          |                                  |
| pH               |                            |                          | monitor and report          |                          |                                  |

*Other Conditions:* Outfall 002 to consist solely of uncontaminated stormwater runoff.

Outfall 003: existing discharge, design flow of 0.45 mgd.

| <i>Parameter</i>       | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                        | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Flow (mgd)             | monitor and report         |                          |                             |                          |                                  |
| Total Suspended Solids |                            |                          | 30                          |                          | 60                               |
| Oil and Grease         |                            |                          | 15                          |                          | 20                               |
| Sulfate                |                            |                          | monitor and report          |                          |                                  |
| Cadmium                |                            |                          | monitor and report          |                          |                                  |
| Chromium               |                            |                          | monitor and report          |                          |                                  |
| Copper                 |                            |                          | monitor and report          |                          |                                  |
| Total Iron             |                            |                          | 3.5                         |                          | 7.0                              |
| Dissolved Iron         |                            |                          |                             |                          | 7.0                              |
| Manganese              |                            |                          | 2.0                         |                          | 4.0                              |
| Lead                   |                            |                          | monitor and report          |                          |                                  |
| Tin                    |                            |                          | monitor and report          |                          |                                  |
| Zinc                   |                            |                          | monitor and report          |                          |                                  |
| pH                     | 6.0—9.0                    |                          |                             |                          |                                  |

*Other Conditions:* Chemical additive, solids disposal, outfall identification, supersedence of Part II effluent limits, additive approval, stormwater and storm overflow conditions.

Outfalls 004 and 005:

| <i>Parameter</i>  | <i>Mass (lb/day)</i>       |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|---|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|   | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Pond emergency overflows to discharge only during storm events of 25 year/24 hour or greater intensity. |                            |                          |                             |                          |                                  |

The EPA waiver is in effect.

**PA 0027669.** Sewage, **McCandless Township Sanitary Authority**, 9600 Perry Highway, Pittsburgh, PA 15237.

This application is for amendment of an NPDES permit to discharge treated sewage from Pine Creek STP in Hampton Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Creek, which are classified as a trout stocked fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Millvale Municipal Water Works on the Allegheny River.

Outfall 001: existing discharge, design flow of 6.0 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>      |                           |                          |                                  |
|-------------------------|----------------------------------|---------------------------|--------------------------|----------------------------------|
|                         | <i>Average<br/>Monthly</i>       | <i>Average<br/>Weekly</i> | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| CBOD <sub>5</sub>       |                                  |                           |                          |                                  |
| (5-1 to 10-31)          | 10                               | 15                        |                          | 20                               |
| (11-1 to 4-30)          | 20                               | 30                        |                          | 40                               |
| Suspended Solids        | 30                               | 45                        |                          | 60                               |
| Ammonia Nitrogen        |                                  |                           |                          |                                  |
| (3-1 to 11-30)          | 1.5                              | 2.3                       |                          | 3.0                              |
| (12-1 to 2-29)          | 4.0                              | 6.0                       |                          | 8.0                              |
| Fecal Coliforms         |                                  |                           |                          |                                  |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean   |                           |                          |                                  |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean |                           |                          |                                  |
| Total Residual Chlorine |                                  |                           |                          |                                  |
| 1st month—36th month    | monitor and report               |                           |                          |                                  |
| 37th month—expiration   |                                  | 0.3                       |                          | 1.0                              |
| Dissolved Oxygen        | not less than 6.0 mg/l           |                           |                          |                                  |
| pH                      | 6.0—9.0                          |                           |                          |                                  |

The EPA waiver is not in effect.

**PA 0094064.** Sewage, **Keystone Restaurant and Truck Stop**, P. O. Box 277, Ebensburg, PA 15931.

This application is for renewal of an NPDES permit to discharge treated sewage from the Keystone Restaurant and Truck Stop Sewage Treatment Plant in Munster Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Noels Creek, which are classified as a high quality cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Saltsburg Municipal Waterworks.

Outfall 001: existing discharge, design flow of .0072 mgd.

| <i>Parameter</i>        | <i>Concentration (mg/l)</i>      |                           |                          |                                  |
|-------------------------|----------------------------------|---------------------------|--------------------------|----------------------------------|
|                         | <i>Average<br/>Monthly</i>       | <i>Average<br/>Weekly</i> | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| CBOD <sub>5</sub>       | 10                               |                           |                          | 20                               |
| Suspended Solids        | 25                               |                           |                          | 50                               |
| Ammonia Nitrogen        |                                  |                           |                          |                                  |
| (5-1 to 10-31)          | 2.0                              |                           |                          | 4.0                              |
| (11-1 to 4-30)          | 4.0                              |                           |                          | 8.0                              |
| Nitrite-Nitrate         | 10                               |                           |                          | 20                               |
| Fecal Coliforms         |                                  |                           |                          |                                  |
| (5-1 to 9-30)           | 200/100 ml as a geometric mean   |                           |                          |                                  |
| (10-1 to 4-30)          | 2,000/100 ml as a geometric mean |                           |                          |                                  |
| Total Residual Chlorine |                                  |                           |                          |                                  |
| 1st month—36th month    | monitor and report               |                           |                          |                                  |
| 37th month—expiration   |                                  | 0.1                       |                          | 0.2                              |
| Dissolved Oxygen        | not less than 7.0 mg/l           |                           |                          |                                  |
| pH                      | 6.0—9.0                          |                           |                          |                                  |

The EPA waiver is in effect.

*Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**PA 0057070.** Sewage, **Helen Pepe**, No. 5 Dudie Drive, Newtown Square, PA 19073.

This application is for issuance of an NPDES permit to discharge treated sewage from a single residence sewage treatment plant in Newtown Township, **Delaware County**. This is new discharge to an unnamed tributary to Hunter Run.

The receiving stream is classified for warm water fish, potable water supply, industrial water supply, livestock water supply, wildlife water supply, irrigation, boating, fishing, water contact sports and esthetics.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>                    | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|--|---|
| CBOD <sub>5</sub>       | 10   | 20                                      |
| Suspended Solids        | 20   | 40                                      |
| Total Residual Chlorine | monitor/report                                       |   |
| Fecal Coliforms         | 200 colonies/100 ml as a geometric average           |   |
| pH                      | within limits of 6.0—9.0 standard units at all times |   |

The EPA waiver is in effect.

#### **Proposed NPDES Permit Renewal Actions for Minor Sewage Discharges**

The following parties have applied to renew their current NPDES permits to allow the continued discharge of controlled wastewater into the surface waters of this Commonwealth. The Department of Environmental Protection (DEP) has made a tentative determination to renew these permits and proposes to issue them, subject to their current permit effluent limitations, and monitoring and reporting requirements, with appropriate and necessary updated requirements to reflect new or changed regulations and other requirements. The updates may include, but will not be limited to, applicable permit conditions and/or requirements addressing combined sewer overflows (CSOs), municipal sewage sludge management, and total residual chlorine control (TRC). Any major changes to or deviations from the terms of the existing permit will be documented and published with the final Department actions.

The EPA, Region III, Regional Administrator has waived the right to review or object to these proposed permit actions under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permits are invited to submit a statement to the Field Operations indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding these applications and proposed permit actions. Comments should include the name, address and telephone number of the writer and a brief statement to inform the Field Office of the basis of the comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Managers will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit renewal application and related documents, proposed effluent limitations and special conditions, comments received and other information are on DEP's file. The documents may be inspected at, or a copy requested from, the Field Office that has been indicated above the application notice.

| <i>NPDES<br/>No.</i> | <i>Facility<br/>Name and Address</i>  | <i>County and<br/>Municipality</i> | <i>Tributary<br/>Stream</i>   | <i>New Permit<br/>Requirements</i> |
|----------------------|---|------------------------------------|-------------------------------|------------------------------------|
| PA0029939            | SHCSH<br>Junior-Senior High Sch.<br>R. R. 1, Box 1124,<br>Three Springs, PA 17264 | Huntingdon<br>Cromwell Twp.        | UNT to Aughwick<br>Creek      | TRC                                |
| PA0029955            | SHCSD<br>Trough Creek Vall. Elem.<br>R. R. 1, Box 1124<br>Three Springs, PA 17264 | Huntingdon<br>Todd Twp.            | UNT to Great<br>Trough Creek  | TRC                                |
| PA0029947            | SHCSD<br>Spring Farms Elem. Sch.<br>Three Springs, PA<br>17264                    | Huntingdon<br>Clay Twp.            | UNT to Three<br>Springs Creek | TRC                                |
| PA0030678            | N. Bedford County Sch Dist.<br>HC 1, Box 200<br>Loysburg, PA 16659                | Bedford<br>S. Woodbury Twp.        | Yellow Creek                  | TRC                                |

| <i>NPDES No.</i> | <i>Facility Name and Address</i>  | <i>County and Municipality</i> | <i>Tributary Stream</i> | <i>New Permit Requirements</i> |
|------------------|---|--------------------------------|-------------------------|--------------------------------|
| PA0051748        | Tulpehocken Area Senior High School<br>430 N. Schaefferstown Rd.<br>Bernville, PA 19506 | Berks<br>Jefferson Twp.        | UNT to Northkill Creek  | TRC                            |
| PA0035301        | Upper Dauphin Area Schs.<br>5668 State Route 209<br>Lykens, PA 17048                    | Dauphin<br>Washington Twp.     | Wiconisco Creek         | TRC                            |

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of the Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealable to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

*Southeast Regional Office, Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

*Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 825-2511.*

*Lehigh County Conservation District, District Manager, Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Rd., Allentown, PA 18104, telephone (610) 820-3398.*

**NPDES Permit PAS10Q131.** Stormwater. **Albert Khalil**, 1160 Howertown Road, Catasauqua, PA 18032 has applied to discharge stormwater from a construction activity located in Lowhili Township, **Lehigh County**, to UNT to Jordan Creek.

*Montgomery County Conservation District, District Manager, 1015 Bridge Rd., Ste. B, Collegeville, PA 19426, telephone (610) 489-4506.*

**NPDES Permit PAS10T078.** Stormwater. **Meadow-view Homes Inc.**, 1120 N. Bethlehem Pike, Spring House, PA 19477 has applied to discharge stormwater from a construction activity located in Worcester Township, **Montgomery County**, to UNT to Stony Creek on site.

**NPDES Permit PAS10T079.** Stormwater. **Gambone Brothers Development Company**, 1030 W. Germantown Pike, Fairview Village, PA 19409 has applied to discharge stormwater from a construction activity located in Lochwood Estates, **Montgomery County**, to UNT to Skippack Creek.

*Wayne County Conservation District, District Manager, Ag. Service Ctr., 470 Sunrise Ave., Honesdale, PA 18431, telephone (717) 253-0930.*

**NPDES Permit PAS107413-1.** Stormwater. **Goyette Property**, T-405 Honesdale, PA 18431 has applied to discharge stormwater from a construction activity located in Texas Township, **Wayne County**, to Holbert Creek to the Lackawaxen River.

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection. Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department of Environmental Protection at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protests. Each writer will be notified in writing of the time and place if a hearing or conference concerning the plan, action, or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

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**Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**

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*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**WQM Permit No. 4297401.** Sewage, **Casey Schweikart and Julie Meachum**, SRSTP, R. D. 1, Box 11C, Eldred, PA 16731. This project is for the construction of a single residence sewage treatment plant in Eldred Township, **McKean County**.

*Southcentral Regional Office: Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4590.*

**A. 2297401.** Sewage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110-3301 in Susquehanna Township, **Dauphin County** to replace the existing Appletree Road Pumping Station was received in the Southcentral Region on January 9, 1997.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

**1597401.** Sewerage. **Oxford Area Sewer Authority**, P. O. Box 380, 401 Market Street, Oxford, PA 19636-0380. Construction of a pump station to serve Oxford Area Sewer Authority located in Borough of Oxford, **Chester County**.

**1597402.** Sewerage. **City of Coatesville**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320. Construction of a sewage treatment plant to serve the City of Coatesville Authority located in the City of Coatesville, **Chester County**.

**1997403.** Sewerage. **Octorara Area School District**, R. D. 1, P. O. Box 65, Atglen, PA 19310. Construction of a sewage treatment plant to serve Octorara Area School District located in West Fallowfield Township, **Chester County**.

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**Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).**

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*Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**A. 5697501.** Seven Springs Municipal Authority, R. D. 1, Champion, PA 15622. Provide iron and manganese removal by filtration and chemical adjustment of water with discharge of backwash waste to municipal sewer system, Middlecreek Township, **Somerset County**.

*Southcentral Regional Office: Sanitarian Regional Manager, One Ararat Boulevard, Harrisburg, PA 17110, telephone (717) 657-4692.*

**A. 2897501.** Public water supply. **Edenville Water Association**, St. Thomas Township, **Franklin County**, (Clifford H. Snyder, Manager, Edenville Water Association, Inc., 2613 Apple Way, Chambersburg, PA 17201), installation of soda ash and caustic soda feed systems for

corrosion control, (Dennis E. Black, P. E., Dennis E. Black Engineering, Inc., 2400 Philadelphia Avenue, Chambersburg, PA 17201).

**A. 6797501.** Public water supply. **The York Water Company**, Springfield Township, **York County**, (William T. Morris, P. E., President and CEO; York Water Company, 130 E. Market Street, Box 15089, York, PA 17405), proposed hometown pump station which is to pump up to 1.0 MGD to higher elevation areas which cannot now be served, (Jeffrey R. Hines, P. E., The York Water Company, 130 E. Market Street, Box 15089, York, PA 17405).

*Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**A. 2696502.** **NWL, Inc.**, P. O. Box 188, Farmington, PA 15437. Construction of a 500,000 gallon per day water treatment plant to remove iron and manganese and development of an additional well serving Nemacolin Woodlands Resort in Wharton Township, **Fayette County**.

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

**A. 0997501.** Public water supply. **Keystone Ozone Pure Water Company**, John Henry, 1075 General Sullivan Road, Washington Crossing, PA 18977. This proposal involves the construction of a bottled water plant with two drilled wells in Yardley Township, **Bucks County**.

*Northwest Regional Office: Sanitarian Regional Manager, 230 Chestnut Street, Meadville, PA 16355-3481, telephone (814) 332-6899.*

**A. 6206444.** Bottled water facility. **Saegertown Beverages, Inc.**, 341 Grant Street, Saegertown, PA 16433. This proposal involves the installation of a distillation unit at the bottled water facility in the Borough of Saegertown, **Crawford County**.

**A. 4397501.** Public water supply. **Cardinal Court Mobile Home Park**, West Jamestown Road, Jamestown, PA 16134. This proposal involves permitting the existing water system, adding chlorination and adding a building to the system in Greene Township, **Mercer County**.

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**Acknowledgment of Notices of Intent to Remediate**

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Acknowledgment of Notices of Intent to Remediate submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 304 and 305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use a site-specific standard or who intend to remediate a site in a Special Industrial Area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified

under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific cleanup standard, in whole or in part, and for sites determined to be located in Special Industrial Areas. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area by the person conducting remediation. For the sites identified below, a municipality may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified below. During this comment period, a municipality may request that the person identified below, as the remediator of a site, develop and implement a public involvement plan. Requests to be involved, and comments, should be directed to the remediator of a site. For further information concerning the content of a Notice of Intent to Remediate, please contact the Department of Environmental Protection Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1 (800) 654-5984.

The Department of Environmental Protection has received the following Notices of Intent to Remediate:

*Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Columbia Gas of Pennsylvania, Inc.**, Grant Street Facility, City of York, **York County**. Columbia Gas of Pennsylvania, Inc., 650 Washington Road, Pittsburgh, PA 15228-2703, has submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Site Specific standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch* on January 21, 1997.

**Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Pet Memorial Services Corp.**, 9923 Old 22, P. O. Box 343, Fogelsville, PA 18051; Louis B. Clarke, President; application received January 17, 1997.

**Applications submitted under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.**

*Regional Office: Regional Solid Waste Manager, One Ararat Boulevard, Harrisburg, PA 17110.*

**A. 603308. Milton Mowrer Farm and Wayne Stauffer Farm**, Columbia Municipal Authority, (308 Lo-

cust Street, Columbia, PA 17512). Application for agricultural utilization of sewage sludge at two sites in East Donegal Township, **Lancaster County**. Application determined to be administratively complete in the Regional Office January 22, 1997.

**A. 301161. Simpson Paper Company**, (1201 Third Avenue, Seattle, WA 98101-3045). Application for closure of an residual waste land application closure site in Union Township, **Berks County**. Application determined to be administratively complete in the Regional Office January 21, 1997.

*Northwest Regional Office: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6848.*

**A. 300934. International Paper Lowville III Landfill**, Route 8, two miles north of the Village of Lowville. Re-permit application submitted under 25 Pa. Code § 287.115(d) to operate a residual waste landfill. The landfill is located in Venango Township, **Erie County**, application received in the Regional Office on January 17, 1997.

**Applications under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify or reactivate air contaminant sources or to install Air Cleaning Devices.**

*Southeast Regional Office: Bureau of Air Quality Control, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**46-318-034.** On December 5, 1996, an application was received from **Naval Air Station Joint Reserve Base** (Route 611, Willow Grove, PA 19090) for a minor operating permit modification to a paint spray booth to be located in Horsham Township, **Montgomery County**.

**09-399-043.** On December 12, 1996, an application was received from **RJM Manufacturing, Inc.** (P. O. Box 67, Fairless Hills, PA 19030) for the construction of a extruder to be located in Bensalem Township, **Bucks County**.

**09-320-048.** On December 12, 1996, an application was received from **RJM Manufacturing, Inc.** (P. O. Box 67, Fairless Hills, PA 19030) for the construction of a flexo printer to be located in Bensalem Township, **Bucks County**.

**09-318-072.** On December 12, 1996, an application was received from **RJM Manufacturing, Inc.** (P. O. Box 67, Fairless Hills, PA 19030) for the construction of three surface coaters to be located in Bensalem Township, **Bucks County**.

**23-329-003A.** On December 12, 1996, an application was received from **Haverford College** (370 Lancaster Avenue, Haverford, PA 19041) for the modification of two emergency generators to be located in Haverford Township, **Delaware County**.

**09-318-073.** On December 19, 1996, an application was received from **Cleveland Steel Container Corporation** (350 Mill Street, Quakertown, PA 18951) for the installation of a thermal incinerator to be located in Quakertown Borough, **Bucks County**.

**09-399-044.** On January 7, 1997, an application was received from **CMS Gilbreth Packaging Systems** (550 Pinetown Road, Ft. Washington, PA 19034) for the installation of two hard chromium electroplating to be located in Bristol Township, **Bucks County**.



**23-399-030.** On January 9, 1997, an application was received from **Community Light & Sound, Inc.** (333 East Fifth Street, Chester, PA 19013) for the construction of a hand lamination and resin mixing facility to be located in City of Chester, **Delaware County**.

**15-303-012A.** On January 10, 1997, an application was received from **Great Valley Materials** (Route 29, P. O. Box 65, Devault, PA 19432) for the modification of a drum mix asphalt plant to be located in Charlestown Township, **Chester County**.

**PA-15-0016A.** On January 13, 1997, an application was received from **The Worthington Steel Company** (45 N. Morehall Road, Malvern, PA 19355) for the modification of a coil coating operation to be located in East Whiteland Township, **Chester County**.

**15-318-018.** On January 13, 1997, an application was received from **Graco Children's Products, Inc.** (P. O. Box 200, Elverson, PA 19520) for the construction of a powder coating system to be located in Elverson Borough, **Chester County**.

**15-320-022.** On January 14, 1997, an application was received from **Dopaco, Inc.** (479 Thomas Jones Way, Exton, PA 19341) for the construction of a flexographic printing press to be located in Downingtown Borough, **Chester County**.

**46-313-116C.** On January 14, 1997, an application was received from **Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) for the modification of process equipment to be located in Upper Merion Township, **Montgomery County**.

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**Applications received for Operating Permits issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015).**

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*Northcentral Regional Office: Bureau of Air Quality, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.*

**18-322-003.** The Department intends to issue an operating permit to the **Clinton County Solid Waste Authority** (P. O. Box 209, McElhattan, PA 17748) for the operation of a municipal landfill gas extraction, collection and control system in Wayne Township, **Clinton County**.

**17-309-012B.** The Department intends to issue an Operating Permit to **North American Refractories Co.** (P. O. Box 56, Curwensville, PA 16833) for the operation of a metallic mineral conveying and handling system and associated air cleaning device (a scrubber) in Pike Township, **Clearfield County**.

**17-303-003A.** The Department intends to issue an Operating Permit to **Glenn O. Hawbaker Inc.** (P. O. Box 135, State College, PA 16840) for the operation of a drum mix asphalt concrete plant and associated air cleaning device (a fabric collector) in Sandy Township, **Clearfield County**.

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**Applications under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations for an Operating Permit to comply with 25 Pa. Code § 129.91 for Reasonable Available Control Technology (RACT).**

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*Southeast Regional Office: Bureau of Air Quality Control, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**OP-46-0063A.** On January 9, 1997, an application was received from **Flexofirst, Inc.** (1196 Easton Road,

Horsham, PA 19044) for the approval of Facility VOC/NOx RACT located in Horsham Township, **Montgomery County**.

**OP-15-0060.** On November 15, 1996, an application was received from **SECCRA Landfill** (P. O. Box 221, Kennett Square, PA 19348) for the approval of Facility VOC/NOx RACT located in London Grove Township, **Chester County**.

**PA-15-0060.** On November 15, 1996, an application was received from **SECCRA Landfill** (P. O. Box 221, Kennett Square, PA 19348) for the approval of Facility VOC/NOx RACT located in London Grove Township, **Chester County**.

The following Dam Safety and Encroachment permit applications and requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department).

In addition to permit applications, the Bureau of Dams, Waterways and Wetlands (BDWW) and the Regional Office Soils and Waterways Sections have assumed primary responsibility for processing requests for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)), for projects requiring both a Dam Safety and Encroachments Permit, and a United States Army Corps of Engineers (ACOE) permit. Section 401(a) of the Federal Water Pollution Control Act requires the State to certify that the involved projects will not violate the applicable provision of 33 U.S.C.A. §§ 1301—1303, 1306 and 1307, as well as relevant State requirements. Initial requests for 401 Certification will be published concurrently with the BDWW permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit, or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the Bureau or Field Office indicated as the responsible office.

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**Applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.**

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*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E06-486.** Encroachment. **Grace & Camillo's Pizza**, Camillo Ciaravino, 432 Coronet Drive, Blandon, PA 19510. To perform minor grading in the floodway of Sacony Creek at a point approximately 1,200 feet downstream of Main Street (Kutztown, PA Quadrangle N: 3.8 inches; W: 4.2 inches) in Kutztown Borough, **Berks County**.

**E06-487.** Encroachment. **Adeline Grassi**, P. O. Box 39, Bernville, PA 19506. To relocate approximately 200 feet of channel of a tributary to North Creek at a point downstream of Route 183 (Strausstown, PA Quadrangle N: 13.4 inches; W: 1.9 inches) in Jefferson Township, **Berks County**.

**E07-276.** Encroachment. **Robert Bowman**, 1681 Crown Avenue, Lancaster, PA 17601. To construct and maintain a concrete adjacent box beam bridge having a

clear span of 70.0 feet and a minimum underclearance of 7.0 feet across Sandy Run Business Center along old SR 0220 directly across from its intersection with Hawthorn Drive (Bellwood, PA Quadrangle N: 10.2 inches; W: 13.0 inches) in Antis Township, **Blair County**.

**E22-358.** Encroachment. **Robert Dido**, 202 Oakleigh Avenue, Harrisburg, PA 17111. To construct a 16 foot x 18 foot addition to an existing residence in the floodway of Spring Creek at a point at the intersection of Oakleigh Avenue and Rutherford Street (Harrisburg East, PA Quadrangle N: 1.7 inches; W: 9.6 inches) in Swatara Township, **Dauphin County**.

**E22-359.** Encroachment. **Department of Transportation**, Engineering District 8-0, John Rautzahn, 2140 Herr Street, Harrisburg, PA 17103. To widen an existing bridge across the channel of Paxton Creek at a point at SR 0039 (Harrisburg East, PA Quadrangle N: 9.87 inches; W: 15.62 inches) in Lower Paxton Township, **Dauphin County**.

**E22-360.** Encroachment. **Middletown Borough Authority**, Peter Pappas, 60 W. Emaus Street, Middletown, PA 17057. To construct a well building and treatment facilities in the floodplain of Swatara Creek at a point along Hoffer Street (Middletown, PA Quadrangle N: 14.5 inches; W: 13.1 inches) in Middletown Borough, **Dauphin County**.

**E44-081.** Encroachment. **Paul Brown**, Box 557, HCR 61, Mill Creek, PA 17060. To construct and maintain a concrete box culvert having a span of 10.0 feet and a rise of 3.0 feet in an unnamed tributary to Kishacoguillas Creek to provide access to private property located along Spring Run Road about 300 feet south of its intersection with SR 0655 at Alexander Springs (Barrville, PA Quadrangle N: 0.4 inch; W: 6.7 inches) in Union Township, **Mifflin County**.

**E44-082.** Encroachment. **Dept. of Transportation**, Engineering District 2-0, Kim Bartoo, 1924-30 Daisy Street, Clearfield, PA 16830. To maintain a reinforced concrete box culvert having a span of 25.0 feet and a rise of 5.35 feet in Beaverdam Run having been constructed under Emergency Permit EP 44-96-03 located on Township Road T-328 about 3.0 miles south of its intersection with SR 0022 (Newton-Hamilton, PA Quadrangle N: 9.0 inches; W: 9.0 inches) in Wayne Township, **Mifflin County**.

**E44-083.** Encroachment. **Borough of Burnham**, Bobbe McCalips, 200 First Avenue, Burnham, PA 17009. To construct and maintain a 48 inch outfall pipe with type D concrete endwall in Hungry Run as part of approved project to upgrade the existing storm sewer system in the Borough of Burnham located at the intersection of Walnut Street and Freedom Avenue (Burnham, PA Quadrangle N: 2.0 inches; W: 9.5 inches) in Burnham Borough, **Mifflin County**.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**E42-245.** Encroachment. **Thomas R. Hutton**, P. O. Box 436, Pocono Pines, PA 18350-0436. To install and maintain two 5-foot diameter by 21-foot long culverts in King Run (perennial and CWF) for residential development purposes. The project is located approximately 100 feet east of Kings Run Road (T-430) from a point 1,800 feet south of the intersection of Kings Run Road (T-430) and Lynch Hollow Road (T-338) (Bullis Mills, PA Quadrangle N: 14.10 inches; W: 3.75 inches) located in Ceres Township, **McKean County**.

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-739.** Encroachment. **Mark Dewitt**, 810 Route 313, Perkaspie, PA 18944. To construct and maintain a garage addition to an existing home and associated fill within the assumed 100-year floodway of an unnamed tributary to Morris Run (TSF). This site is located approximately 3,900 feet northwest of the intersection of Dublin Pike (SR 0313) and Bedminster Road (S. R. 0113) (Bedminster, PA USGS Quadrangle N: 2.5 inches; W: 14.7 inches) in Hilltown Township, **Bucks County**.

**E15-534.** Encroachment. **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355-1699. To construct and maintain three pedestrian bridges spanning Valley Creek (EV), a boardwalk through the wetlands (PEM), an asphalt and woodchip trail system in the floodway and associated park amenities in the floodway of Valley Creek. These activities are associated with the construction of the East Whiteland Park (401 site) located at the intersection of Conestoga Road (SR 0401) and Mill Road (T-488) (Malvern, PA Quadrangle N: 9.15 inches; W: 8.15 inches) in East Whiteland Township, **Chester County**.

**E09-738.** Encroachment. **Department of Transportation**, The Wolfson Group, 200 Radnor-Chester Road, St. Davids, PA 19087. To operate, modify and maintain an existing 48-inch diameter CMP stream enclosure in and along an unnamed tributary to Licking Run Creek (TSF) which conveys flow beneath SR 309. The project proposes to remove approximately 16 linear feet of the existing enclosure at the downstream end, replacing it with a 25 foot long, 48-inch diameter reinforced concrete culvert pipe with concrete endwall and approximately 80-linear feet of riprap energy dissipater. This work will facilitate access into a proposed retail shopping center to be known as "Richland Crossing Retail Center" (DEP application No. E09-713, submitted by the Wolfson Group, Inc.). The site is situated on SR 309, (West End Boulevard) approximately 1/4 mile north of its intersection with SR 663 (John Fries Highway) (Quakertown, PA Quadrangle N: 13.5 inches; W: 14.75 inches) in Richland Township and Quakertown Borough, **Bucks County**.

*Northcentral Regional Office: Soils and Waterways Section, 208 W. Third St., Suite 101, Williamsport, PA 17701, telephone (717) 327-3574.*

**E14-302.** Encroachment. **Department of Transportation**, 1924-30 Daisy St., Clearfield, PA 16830. To remove the existing structure and to construct and maintain a post tensioned twin cell reinforced concrete box culvert with a clear span of 33.5 feet on a skew of 73 degrees and a minimum underclearance of 5 feet in Slab Cabin Run under SR 3012 about 0.5 mile west of the intersection of SR 3012 (Puddintown Road) and SR 3011 (Houserville Rd) (State College, PA Quadrangle N: 12.4 inches; W: 11.6 inches) in College Township, **Centre County**. Estimated stream disturbance is 225 feet of waterway and .007 of wetland; stream classification is Cold Water Fisheries.

**E18-231.** Encroachment. **Dotterer Farms**, R. R. 3, Box 589, Mill Hall, PA 17751. To construct and maintain two 8 foot diameter by 50 foot long smooth lined metal pipe culverts, depressed into the stream 1 foot, as a private road stream crossing over Cedar Run approximately 100 feet off Fox Hollow Road (T-321) and 2.5 miles west of the intersection of T-321 and SR 2018 (Beech Creek, PA Quadrangle N: 9.1 inches; W: 5.6 inches) in Porter Township, **Clinton County**. Estimated stream disturbance is 60 feet of waterway; stream classification is High Quality Cold Water Fisheries.

**E19-164.** Encroachment. **Santo and Helen Lanzafame**, 1743 Old Berwick Rd., Bloomsburg, PA 17815-1915. To place and maintain fill in an approximate 0.15 acre isolated palustrine emergent wetland to create a more manageable yard and to provide access to the Susquehanna River. The applicant proposes to meet the wetland replacement requirement by participating in the wetland replacement project. The project site is located approximately 1 mile east of the town of Bloomsburg (Bloomsburg, PA Quadrangle N: 0.25 inch; W: 6.50 inches) in Scott Township, **Columbia County**.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E39-325.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101-1699. To repair and maintain the existing stone masonry Arch bridge having 3 spans (17 feet, 32 feet, 18 feet) with an underclearance from 8 feet, 6 inches to 15 feet, 6 inches across Little Lehigh Creek with work consisting of the replacement of missing stones, repointing of joints and sealing/weatherproofing the entire structure. The project, locally known as Schreibers Bridge, is located across Little Lehigh Creek immediately south of the intersection of Overhill Road and Martin Luther King Jr. Drive (Allentown East, PA Quadrangle N: 16.3 inches; W: 15.8 inches) in the City of Allentown, **Lehigh County** (Philadelphia District, Army of Engineers).

**E40-455.** Encroachment. **Kenneth J. Skuba**, 107 Conyngham Crest Drive, Sugarloaf, PA 18249. To place fill in approximately 0.7 acre of PEM wetlands for the purpose of preparing a 6.3 acre site for future development. The project is located within the drainage basin of Nescopeck Creek (CWF), on the east side of S. R. 0309, approximately 3,000 feet north of S. R. 0080 (Freeland, PA Quadrangle N: 11.3 inches; W: 12.2 inches), in Butler Township, **Luzerne County** (Baltimore District, Army Corps of Engineers).

**E48-244.** Encroachment. **Saucon Valley Square**, L. P., 961 Marcon Boulevard, Allentown, PA 18103. To place fill in approximately 0.18 acre of PEM wetlands for the purpose of developing the proposed Saucon Valley Square Shopping Center. The project is located between S. R. 0078 and S. R. 0378, approximately 0.5 mile south of S. R. 3004 (Seidersville Road) (Allentown East, PA Quadrangle N: 15.5 inches; W: 1.5 inches) in Lower Saucon Township, **Northampton County** (Philadelphia District, Army of Corps of Engineers).

**E54-226.** Encroachment. **East Union Township**, P. O. Box 295, Sheppton, PA 17967. To remove the existing structure and to construct and maintain a 14 foot by 4.5 foot concrete box culvert, on a 45° skew, and depressed 6 inches in the channel of a tributary to Catawissa Creek. This project is located along Township Road T-455 (Foosse Lane) approximately 300 feet west of S. R. 924 (Nuremburg, PA Quadrangle N: 0.5 inch; W: 3.7 inches) in East Union Township, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

**E54-227.** Encroachment. **East Union Township**, P. O. Box 295, Sheppton, PA 17967. To remove the existing structure and to construct and maintain a 15.5 foot by 5 foot concrete box culvert depressed 6-inches in the channel of a tributary to Catawissa Creek (CWF). This project is located along Township Road T-455 (Foosse Lane) approximately 1,600 feet west of S. R. 924 (Nuremburg, PA Quadrangle N: 0.35 inch; W: 4.25 inches) in East Union Township, **Schuylkill County** (Baltimore District, Army Corps of Engineers).

**E54-228.** Encroachment. **Pennsylvania Power and Light Company**, 2 North Ninth Street, N-4, Allentown, PA 18101-1179. To construct and maintain 1,000 linear feet of aerial electric lines along and across the Little Schuylkill (CWF) and Schuylkill (CWF) Rivers in Port Clinton Borough, Schuylkill County and 1,000 linear feet of underground electric line in the floodway of the Schuylkill River in Tilden Township, **Berks County**. This project will provide three phase electric to an existing business and is located along Broad Street 400 feet east of S. R. 0061 (Auburn, PA Quadrangle N: 14.3 inches; W: 3.8 inches) (Philadelphia District, Army Corps of Engineers).

**E66-111.** Encroachment. **Falls Township**, R. R. 2, Box 12, Falls, PA 18615. To remove the existing structure and to construct and maintain an 18.0 foot × 7.0 foot concrete box culvert in Beaver Creek (CWF). The project is located along Township Road T 375, just east of its intersection with S. R. 0307 (Ransom, PA Quadrangle N: 20.2 inches; W: 11.3 inches) in Falls Township, **Wyoming County** (Baltimore District, Army Corps of Engineers).

*DEP Central Office, Bureau of Waterways Engineering, 400 Market Street, Floor 6, P. O. Box 8554, Harrisburg, PA 17105-8554, telephone (717) 783-1384.*

**D15-372.** Dam. **Hankin Properties Partnership**, 717 Constitution Drive, P. O. Box G, Exton, PA 19134. To construct, operate and maintain a stormwater detention dam and roadway crossing across Shamona Creek (HQ-TSF, MF) impacting approximately 0.2 acre of wetlands (PEM) at a point approximately 1.1 miles upstream of East Branch Brandywine Creek. This facility is part of the Stormwater Management Plan and will provide access to the Eagleview Residential Development in Uwchlan Township, **Chester County**.

**D56-004B.** Dam. **The Manufacturers Water Company**, 119 Walnut Street, Johnstown, PA 15901. To modify, operate and maintain the Quemahoning Dam located across Quemahoning Creek in Quemahoning and Conemaugh Townships, **Somerset County**. Modifications will increase spillway capacity for major flooding events and will not change the normal operating pool. This was previously published in error as an Environmental Assessment.

*The following Environmental Assessment and request for Water Quality Certification is being processed under Section 105.12(a)(16) and 105.15(b), restoration activities undertaken and conducted under a restoration plan approved by the Department.*

**D67-044EA.** Environmental assessment. **Yorktowne Paper Mills, Inc.**, P. O. Box 2426, York, PA 17405. To remove a breached dam on Yorktowne Paper Mills property for the purpose of restoring Mill Creek (WWF) to a free flowing condition. The dam is located immediately upstream of S. R. 3029 where it crosses Mill Creek (York, PA Quadrangle N: 19.5 inches; W: 13.6 inches) in Springettsbury Township, **York County**.

**Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**WA26-1002.** Water allocation. **HCSW Joint Water Authority, Fayette County**. HCSW Joint Water Authority

has submitted an application to acquire rights to utilize 2 million gallons per day of water, as a daily peak, from the Youghiogheny River, **Fayette County, PA.**

## ACTIONS

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

### Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

#### Permits Issued

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

**NPDES Permit No. PA-0052167.** Sewerage. **Wind Gap Municipal Authority**, 16 South Broadway, Wind Gap, PA 18091 is authorized to discharge from a facility located in Plainfield Township, **Northampton County** to an unnamed tributary of Little Bushkill Creek.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**NPDES Permit No. PA0022365.** Sewage, **Perryopolis Area Joint Authority**, P. O. Box 298, Perryopolis, PA 15473-0298 is authorized to discharge from a facility located at Perryopolis Sewage Treatment Plant, Perryopolis Borough, **Fayette County** to Youghiogheny River.

**NPDES Permit No. PA0096733.** Sewage, **Lance L. Safran**, 5800 Steele Road, Murrysburg, PA 15668 is authorized to discharge from a facility located at Pleasant View Mobile Home Park STP, Saltlick Township, **Fayette County** to Indian Creek.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**NPDES Permit No. PA0050474.** Sewerage. **Warwick Drainage Company**, 332 Gordon Drive, Exton, PA 19341 is authorized to discharge from a facility located in Warwick Township, **Chester County** into French Creek.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335, telephone (814) 332-6942.*

**NPDES Permit No. PA 0038351.** Industrial waste. **PHB, Inc.**, 7900 West Ridge Road, Fairview, PA 16415 is authorized to discharge from a facility located in Fairview Township, **Erie County** to receiving waters named Trout Run.

## NPDES General Permit Final Actions

The Department of Environmental Protection has taken the following final actions on previously received Notices of Intent for approval of coverage under General NPDES Permits.

### List of NPDES General Permits Issued by DEP's Water Management Deputate

| <i>General Permit No.</i> | <i>Short Title of General Permit</i>    | <i>Responsible Bureau</i> |
|---------------------------|---|---------------------------|
| PAG-2                     | Stormwater—Construction Activities      | BLWC                      |
| PAG-3                     | Stormwater—Industrial Activities        | BWQM                      |
| PAG-4                     | Single Residence Sewage Treatment Plant | BWQM                      |
| PAG-6                     | Combined Sewer Overflows                | BWQM                      |

## Notices of Intent for Coverages Under NPDES General Permits and Department Final Actions

The Department of Environmental Protection has received Notices of Intent (NOI) for approval of coverage under General NPDES Permits and has taken the following final actions by approving the requested general permit coverages.

These actions of the Department may be appealed to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483, by any aggrieved person under The Environmental Hearing Board Act (35 P. S. § 7514); 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Appeals must be filed with the Environmental Hearing Board within 30 days from the date of this issue of the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Department's regulations governing practice and procedure before the Board may be obtained from the Board.

Coverage under the General Permits issued under the National Pollutant Discharge Elimination System (NPDES) Permit Program to discharge wastewater to the waters of the Commonwealth.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

| <i>NPDES No.</i> | <i>GP No.</i> | <i>Facility Name and Address</i>  | <i>Facility Location</i>  | <i>Stream Name</i>   | <i>SIC</i> |
|------------------|---------------|---|---------------------------|----------------------|------------|
| PAR406102        | 3             | Envirotrol, Inc.<br>432 Green Street, P. O. Box 61<br>Sewickley, PA 15143       | Beaver<br>Beaver Falls    | Walnut<br>Bottom Run | 4953       |
| PAR806175        | 3             | Roadway Express, Inc.<br>1077 Gorge Blvd.<br>P. O. Box 471<br>Akron, OH 44309   | Allegheny<br>McKees Rocks | Chartiers<br>Run     | 4231       |
| PAR236118        | 3             | Industrial Terminal Systems, Inc.<br>P. O. Box 4127<br>New Kensington, PA 15068 | Allegheny<br>Plum Borough | Allegheny<br>River   | 2899       |

**The following approvals from coverage under NPDES Individual Permit for Discharge of Stormwater from Construction Activities have been issued.**

*Northcentral Region: Water Management, Soils and Waterways Section, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>                          | <i>County and Municipality</i> | <i>Receiving Stream</i> |
|-------------------------|--|--------------------------------|-------------------------|
| PAS10F053               | BXAL, Inc.<br>422 Allegheny St.<br>Hollidaysburg, PA 16648 | College Twp.<br>Centre County  | Spring Creek            |

*Southwest Regional Office: Regional Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

| <i>NPDES Permit No.</i> | <i>Applicant Name and Address</i>  | <i>County and Municipality</i>    | <i>Receiving Stream</i> |
|-------------------------|--|-----------------------------------|-------------------------|
| PAS10A089               | Lisa Berardi<br>1951 Lincoln Hwy.<br>N. Versailles, PA 15137<br><br>A. Berardi & Son Inc<br>1951 Lincoln Hwy.<br>N. Versailles, PA 15137 | N. Versailles<br>Allegheny County | Brush Creek UNT         |

**Industrial waste and sewerage actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).**

*Permits Issued*

*Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-2511.*

**Permit No. 3996401.** Sewerage. **Allied Utility Services, Inc.**, P. O. Box 1488, Skippack, PA 19474 (formerly Schnecksville North Wastewater Treatment Facility). Permit to increase the capacity of the existing sewage treatment plant, located in North Whitehall Township, **Lehigh County**.

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**Permit No. 0492201.** Amendment No. 1. Industrial waste, **Alex A. Paris Contracting Company, Inc.**, Route 18, P. O. Box 369, Atlasburg, PA 15004. Construction of residual waste landfill located in the Township of Hanover, **Beaver County** to serve the Paris Flyash Disposal Site.

**Permit No. 6596409.** Sewerage, **Kiski Area School District**, 200 Poplar Street, Vandergrift, PA 15690. Construction of sewage treatment plant located in the Township of Washington, **Westmoreland County** to serve the Mamont Elementary School.

*Southeast Regional Office: Regional Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, telephone (610) 832-6130.*

**Permit No. 4696420.** Sewerage. **Borough of Royersford** (300 Main Street, P. O. Box 188, Royersford, PA 19468). Modifications of Borough of Royersford sewage treatment plant located in Upper Providence Township, **Montgomery County** to serve the Borough of Royersford.

*Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**WQM Permit No. 2595419.** Sewage. **Countryside II, Limited Partnership** (d/b/a/ Countryside Mobile Home Park), 10215 Perry Lake Road, Clarkston, MI 48348. This project is to upgrade the mobile home park's wastewater treatment facility in McKean Township, **Erie County**.

**WQM Permit No. 2096407.** Sewage. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335. This project is for plans to construct a new sewage treatment plant in the city of Meadville, **Crawford County**.

**Plan Approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).**

*Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222, telephone (412) 442-4000.*

*Location:*

Crabapple Portal Sewage Treatment Plant, 300 feet off of S. R. 4002, approximately 0.6 mile west from the intersection of S. R. 3001 and S. R. 4002.

*Project Description:*

Approval of a revision of the Official Sewage Facilities Plan of Richhill Township, Greene County. Project involves the construction of a sewage treatment plant to serve the proposed Crabapple Portal in bathhouse for the Consol Pennsylvania Coal Company. Treated effluent is to be discharged to Crabapple Run, a tributary of the Dunkard Fork of Wheeling Creek.

**Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.1—721.17).**

*Southwest Regional Office: Regional Manager, Water Supply and Community Health, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, telephone (412) 442-4000.*

**Permit No. 6743-A1.** Public water supply. **Borough of Somerset**, 340 West Union Street, Somerset, PA 15501.

*Type of Facility:* State Hospital Water Tank and Hickory Hill Water Tanks.

*Permit to Operate Issued:* January 10, 1997.

**Permit No. 0290502.** Public water supply. **Borough of Springdale**, 325 School Street, Springdale, PA 15144.

*Type of Facility:* Aluminum air stripping tower and appurtenances.

*Permit to Operate Issued:* January 10, 1997.

**Permit No. 0288508-A2.** Public water supply. **Pennsylvania-American Water Company**, 410 Cooke Lane, Pittsburgh, PA 15234.

*Type of Facility:* A 350,000 gallon wash water tank.

*Permit to Construct Issued:* January 10, 1997.

**Permit No. 5691501-A1.** Public water supply. **Borough of Somerset**, 340 West Union Street, Somerset, PA 15501.

*Type of Facility:* Improvements to the Bakersville Water Treatment Plant.

*Permit to Construct Issued:* January 10, 1997.

**Permit No. 0388503-A3.** Public water supply. **Municipal Authority of Buffalo Township**, 707 Sarver Pike Road, Sarver, PA 16055.

*Type of Facility:* Joe Jack Trailer Park Pump Station.

*Permit to Operate Issued:* January 16, 1997.

**Permit No. 6593507.** Public water supply. **James A. Lazarchik**, Owner, J & L Mobile Homes, Inc., R. D. 4, Box 423B96, Blairsville, PA 15717.

*Type of Facility:* Country Village Mobile Home Park Water System.

*Permit to Operate Issued:* January 21, 1997.

**Permit No. 6593506.** Public water supply. **James A. Lazarchik**, Owner, J & L Mobile Homes, Inc., R. D. 4, Box 423B96, Blairsville, PA 15717.

*Type of Facility:* Sun Dial Village Mobile Home Park Water System.

*Permit to Operate Issued:* January 21, 1997.

**Submission of Final Reports on Attainment of Background and Statewide Health Standards (§§ 302(e)(2) and 303(h)(2)).**

The following final reports were submitted to the Department of Environmental Protection under the Land Recycling and Environmental Remediation Standards Act (35 P. S. § 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed, and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, please contact the Environmental Cleanup Program in the Department of Environmental Protection Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office listed. TDD users may telephone the Department through the AT&T Relay Service at 1-(800) 654-5984.

The Department has received the following final reports.

*Southcentral Regional Office: Environmental Cleanup Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.*

**Former Emeco Settling Pond**, Hanover Borough, **York County**, and Conewago Township, **Adams County**. Phillip Schuchart, Schuchart Oil & Propane, 900 East Elm, Hanover, PA 17331, has submitted a Final Report concerning remediation of site soils contaminated with heavy metals, solvents, PHCs and PAHs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Sun Pipeline Abbottstown**, Berwick Township, **Adams County**. Sun Company, Inc., Twin Oaks Terminal, 4041 Market Street, Aston, PA 10014, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with BTEX and PHCs. The report is intended to document remediation of the site to meet the Statewide health standard.

**Prompt Interim Response under the Hazardous Sites Cleanup Act**

Phoenix Materials Site  
East Franklin Township, Armstrong County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. § 6020.101—6020.1305) (HSCA), has initiated a Prompt Interim Response at the Phoenix Materials Site. This response has been undertaken under section 505(b) of HSCA (35 P. S. § 6020.505(b)).

The Department, under the authority of HSCA, began a Prompt Interim Response action on January 8, 1997, on

properties presently held in repository by Armstrong County that were previously owned by Phoenix Materials Corporation. The properties are located at 833 Butler Avenue, Kittanning, Armstrong County, PA, and at one time were the location of the operations of the Phoenix Materials Corporation. The Phoenix Materials Site consists of several interconnecting manufacturing and office buildings located on a 3.5 acre tract across the street from the West Hills Elementary School. The Phoenix Materials Site is surrounded by a residential community with the nearest house less than 25 feet from the building complex.

Based on the ongoing release and imminent threat of release of hazardous substances at the Phoenix Materials Site (Site) and the corresponding threats to human health and the environment, the Department determined that it is necessary to implement a Prompt Interim Response action at the Site under its authority under sections 501(a) and 505(b) of HSCA (35 P. S. § 6020.501(a) and 6020.505(b)). The Department determined that prompt action is required to protect the public health and safety and the environment from the ongoing release and imminent threat of release of hazardous substances due to the improper storage of hazardous substances in an unsecured area. The Department's prompt interim response is addressing the removal, offsite transportation and proper disposal of the hazardous substances found at the Site.

The Department determined that a prompt interim response is necessary at the Site because of the community's actual or potential exposure to hazardous substances via inhalation and dermal contact.

Because of these conditions, the Department determined a prompt interim response action should not be delayed for the length of time that it would take to formally develop and close an administrative record. Investigation of Site conditions by the Department occurred concurrently with this prompt interim response action.

The objective of the prompt interim response action to remove from the Site (a) a drum of concentrated nitric acid, (b) three drums of acidic sludge which is primarily aluminum chloride, (c) five capacitors which contain polychlorinated biphenyls (PCBs), and (d) the contents of two oil baths which contain high concentrations of lead. On January 8, 1997, these hazardous substances were properly containerized, identified, and placed in a secure area onsite until disposal could be arranged. These materials will be shipped offsite during the public comment period.

Three alternative prompt interim response actions were considered by the Department for the Site. The three alternatives are:

A. Alternative 1: This is the "no action" alternative. Under this alternative the Department would take no action to remove the hazardous substances. The waste materials would remain on the site in the present condition.

B. Alternative 2: Under this alternative, the Department would remove and dispose of materials previously found to be hazardous, perform additional sampling to determine all characteristics required for safe disposal and to determine if additional hazardous substances are located at the Site. This alternative would also entail the removal and offsite disposal of hazardous substances which pose a potential toxicological hazard to both human and environmental receptors in and around the Site.

C. Alternative 3: Under this alternative, the Department would place a fence around the site to eliminate the threat of direct contact.

In evaluating these alternatives, the Department considered the criteria of permanence, protection of human health and the environment, and the alternative's ability to meet applicable, relevant and appropriate State and Federal requirements. The Department also considered cost-effectiveness in analyzing the prompt interim alternative.

Based on its analysis of the alternatives according to the criteria identified above, the Department determined that because it calls for the removal of hazardous substances, Alternative 2 provides more permanent protection of human health and the environment than either Alternative 1 or Alternative 3. Inasmuch as Alternative 1 would leave in place all of the Site's hazardous substances and those materials corresponding threats, Alternative 1 will provide no protection at all to human health and the environment. Inasmuch as Alternative 3 would leave in place all of the Site's hazardous substances and those materials corresponding threats with only a fence to separate the public from these threats, Alternative 3 would not significantly reduce the risk of soil and water contamination and direct contact because children would be likely to gain entry in spite of the presence of the fence.

The Department chooses Alternative 2 and believes, further, that the remedial actions called for under Alternative 2 represent the most cost-effective method to address the Site's contamination.

Thus far, the Department has overpacked the hazardous substances found on the Site in preparation for shipment. The drums were properly labeled and identified. Additional samples of the nitric acid were submitted for analysis and two underground storage tanks were sampled for potential hazardous substances.

This notice is being provided under sections 505(b) and 506(b) of HSCA (35 P. S. § 6020.505(b) and 6020.506(b)). The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The Administrative Record can be examined from 8 a.m. to 4 p.m. during normal business hours at the Department's office at 400 Waterfront Drive, Pittsburgh, Pa 15222-4745, telephone (412) 442-4000. Individuals interested in examining the Administrative Record should contact Ed Duval at (412) 442-4000 to arrange for an appointment to do so.

The administrative record will be open for comment until Monday, May 12, 1997. Persons may submit written comments into the record during this time only, by sending them to Joseph L. Wood at 400 Waterfront Drive, Pittsburgh, PA 15222-4745 or by delivering them to this office in person.

A public meeting is scheduled for March 12 at 7 p.m. in the West Hills Elementary School. Persons who want to present formal oral comments regarding the prompt interim response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Betsy Mallison at (412) 442-4182.

Persons with a disability who wish to attend the meeting and require an auxiliary service or other accommodation to participate in the proceedings should contact Betsy Mallison, at the telephone number listed above or through the Pennsylvania AT&T Relay Service at 1 (800)

654-5984 (TDD) to discuss how the Department of Environmental Protection can best accommodate their needs.

The public may also submit written comments regarding the Department's prompt interim response action during the period for public comment, which runs from the date of this notice through May 12, 1997. Written comments should be addressed to Joseph L. Wood, Project Manager, at the Department's office at the address listed above. Individuals with questions should call Joseph L. Wood at (412) 442-4135.

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**Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), The Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6) and regulations for license to transport infectious and chemotherapeutic waste.**

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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Incendere, Inc.**, 3710 Indian River Road, Chesapeake, VA 23325; License No. **PA-HC 0058**; amended license issued January 17, 1996.

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**Renewal licenses issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Ashland Chemical Company**, Division of Ashland Inc., P. O. Box 2219; Columbus, OH 43216; License No. **PA-AH 0121**; renewal license issued January 22, 1997.

**Autumn Industries, Inc.**, 518 Perkins-Jones Road, Warren, OH 44483; License No. **PA-AH 0267**; renewal license issued January 22, 1997.

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**Amended license issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for license to transport hazardous waste.**

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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Ashland Chemical Company**, Division of Ashland Inc., P. O. Box 2219, Columbus, OH 43216; License No. **PA-AH 0121**; amended license issued January 22, 1997.

**Autumn Industries, Inc.**, 518 Perkins-Jones Road, Warren, OH 44483; License No. **PA-AH 0267**; amended license issued January 22, 1997.

**Rollins Environmental, Inc.**, One Rollins Plaza, P. O. Box 2349, Wilmington, DE 19899; License No. **PA-AH 0514**; amended license issued January 17, 1997.

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**Licensed expired under the Solid Waste Management Act (35 P. S. §§ 6018.1001—6018.1003) and regulations for license to transport hazardous waste.**

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*Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

**Bryson Industrial Services, Inc.**, P. O. Box 210799, Columbia, SC 29221; License No. **PA-AH 0345**; license expired on January 17, 1997.

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**Reasonably Available Control Technology; Public Hearing**

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On September 12, 1995, the Department of Environmental Protection conducted a public hearing to solicit comments on a proposed volatile organic compound Reasonably Available Control Technology (RACT) determination, plan approval issuance and State Implementation Plan (SIP) amendment for a wood door coating operation owned and operated by Mohawk Flush Doors, Inc. in Point Township, Northumberland County. The Department subsequently issued a plan approval, identified as PA-49-0001, which approved the construction of a new wood door prefinish line (consisting of nine roller coaters and three flash-off ovens) and three associated spray booths which were to use water-based coatings and which were to replace an existing prefinish line and spray booths which used volatile organic compound-based coatings.

Despite their success in using water-based coatings to coat doors in the new prefinish line and associated spray booths, Mohawk Flush Doors, Inc. has determined that it is unable to consistently meet all of the coating volatile organic compound content limitations originally proposed by the company and subsequently established by the Department as conditions of the plan approval. The Department has determined that this is due to the limited nature of the water-based coating compositional information available to Mohawk Flush Doors, Inc. at the time of plan approval application preparation and the company's failure to fully recognize the entire spectrum of water-based coatings which it would need to apply in the new prefinish line and associated spray booths until after the line and booths became operational.

Mohawk Flush Doors, Inc. has now better identified the entire spectrum of water-based coatings intended for use in the new prefinish line and associated spray booths and has proposed coating volatile organic compound content limitations which are more representative of the line and booths' true capabilities than those previously proposed and currently contained in the plan approval. After evaluating this information, the Department has determined that the revised coating volatile organic compound content limitations are still reflective of RACT. The Department has therefore made a preliminary determination to approve the proposed revised limitations.

If approved, the revised coating volatile organic compound content limitations will be incorporated into a revised plan approval and submitted to the U. S. Environmental Protection Agency as a revision to the Pennsylvania's State Implementation Plan.

The following is a summary of the revised limitations to which the Department has preliminarily determined the new prefinish line and associated spray booths should be subject:

1) The coatings used in the prefinish line shall not exceed the following limitations, as mixed (with tint pastes, dyes, "additives," thinners, reducers, and the like) for application:



|                    | <i>Maximum<br/>pounds of<br/>VOC per gallon<br/>of coating<br/>(with water)</i> | <i>Maximum<br/>pounds of<br/>VOC per gallon<br/>of coating<br/>(minus water)</i> |
|--------------------|---|--|
| washcoats          | 1.80  | 4.60   |
| tiecoats           | .10   | .10  |
| sealers            | .60   | 1.10   |
| stains             | .90   | 2.30   |
| toners/stains      | .60   | 1.30   |
| basecoats          | .15   | .25  |
| floodcoats         | .20   | .40  |
| wipe stains        | 3.60  | 6.68   |
| primers            | .30   | .50  |
| enamels            | .70   | 1.30   |
| waterbase topcoats | 1.60  | 3.00   |
| inks               | .70   | 2.90   |
| wood protectant    | 6.30  | 6.30   |
| UV topcoats        | .10   | .10  |

2) The coatings used in the 3 spray booths associated with the prefinish line shall not exceed the following limitations, as mixed (with tint pastes, dyes, "additives," thinners, reducers, etc.) for application:

|              | <i>Maximum<br/>pounds of<br/>VOC per gallon<br/>of coating<br/>(with water)</i> | <i>Maximum<br/>pounds of<br/>VOC per gallon<br/>of coating<br/>(minus water)</i> |
|--------------|---|--|
| all coatings | 1.5   | 3.0  |

One public hearing will be held for the purpose of receiving comments on the proposed revised plan approval and the proposed SIP revision. The hearing will be held on March 6, 1997, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to William P. Parsons, Acting Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by March 21, 1997.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

Approval of Reasonably Available Control Technology (RACT) plan for Jeraco Enterprises, Inc.

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably

Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a fiberglass reinforced plastics manufacturing and surface coating facility owned and operated by Jeraco Enterprises, Inc. in Milton Borough, Northumberland County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the U. S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The following is a summary of the preliminary RACT determination for this operation:

| <i>Source</i>   | <i>RACT limitations/<br/>requirements</i>   |
|---|---|
| <ul style="list-style-type: none"> <li>fiberglass reinforced plastics manufacturing or spray layup operation</li> </ul> | all gel coat used shall contain no more than 37% styrene (by weight), all resin used shall contain no more than 36% styrene (by weight), all gel coat and resin must be applied using airless spray systems (or equivalent), the resultant styrene emissions shall not exceed 50.2 tons per calendar year and the volatile organic compound emissions (including styrene) shall not exceed 63.0 tons per calendar year. |
| <ul style="list-style-type: none"> <li>fiberglass automotive accessory surface coating operation</li> </ul>             | all coating materials used shall contain no more than 6.68 pounds of volatile organic compounds per gallon of coating (as applied), all coating materials must be applied using high volume low pressure (HVL) spray systems (or equivalent) and the resultant volatile organic compound emissions shall not exceed 30 tons per calendar year, 1,000 pounds per day or 100 pounds per hour.                             |

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on March 6, 1997, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Daniel Spadoni at (717) 327-3659, or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to William P. Parsons, Acting Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments must be submitted by March 21, 1997.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

Approval of Reasonably Available Control Technology (RACT) plan for Osram Sylvania, Inc.

The Department of Environmental Protection has made a preliminary determination to approve a Reasonably Available Control Technology (RACT) plan and an amendment to the State Implementation Plan (SIP) for a glass manufacturing facility owned and operated by Osram Sylvania, Inc. in Wellsboro Borough, Tioga County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the RACT approval for the facility to comply with current regulations.

The preliminary RACT determination, if finally approved, will be incorporated into an operating permit for the facility and will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan.

The preliminary RACT determination for the largest nitrogen oxides-emitting source within the facility, a glass furnace identified as Tank No. 42, is the operation of an associated combustion ratio control system so as to maintain optimum combustion conditions within the furnace, the implementation of the furnace maintenance, repair and upgrade program described in the respective RACT plan, the operation of the furnace in accordance with good air pollution control practices and the maintenance of a nitrogen oxides emission rate below 375.3 tons within any 12 consecutive month period. All other nitrogen oxide-emitting sources at the facility are subject to the presumptive RACT requirements of 25 Pa. Code § 129.93(c).

One public hearing will be held for the purpose of receiving comments on the proposed operating permit and the proposed SIP revision. The hearing will be held on March 6, 1997, at 1 p.m. at the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to comment on the proposal. Persons interested in commenting are invited to appear at the public hearing.

Persons wishing to present testimony at the hearing should contact Daniel Spadoni at (717) 327-3659 at least one week in advance of the hearing to reserve a time to present testimony. Oral testimony will be limited to a maximum of 10 minutes per individual and two written copies of the oral testimony are requested. Each organization is requested to designate one witness to present testimony on its behalf.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations

to do so should contact Daniel Spadoni at (717) 327-3659 or the Pennsylvania AT&T Relay Service at 1 (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those unable to attend the hearing, but wishing to comment, should provide written comments to William P. Parsons, Acting Air Quality Environmental Program Manager, DEP, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448. Comments should be submitted by March 21, 1997.

All pertinent documents are available for review from 8 a.m. to 4 p.m. in the DEP Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (717) 327-3693.

The Department of Environmental Protection has taken the following actions on previously received Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval, and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Any person aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, 400 Market Street, Floor 2, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 1-800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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**Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of the act of June 22, 1937 (P.L. 1987, No. 394) (35 P.S. §§ 691.5 and 691.402) and notice of Final Action for Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a))** (Note: Permits issued for Small Project do not include 401 Certification, unless specifically stated in the description.)

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*Permits Issued and Actions on 401 Certifications*

*Northcentral Region: Water Management-Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.*

**E08-306.** Encroachment. **Scott Brown**, R.R. 1, Box 301A, Canton, PA 17724. To maintain a concrete culvert 18 feet by 9 feet by 20 feet in length in Beech Flats Creek on a private road off SR 3007 approximately 1/2 mile north of Road's Road (Canton, PA Quadrangle N: 3.25 inches; W: 8.25 inches) in Canton Township, **Bradford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E12-098.** Encroachment. **Thomas Diamond**, 1607 Pine St., Philadelphia, PA 19103. To remove an existing struc-

ture and to construct and maintain a single span, steel beam bridge to carry a private road across Four Mile Run. The proposed bridge shall be constructed with a single span of 24.0 feet, a width of 12.0 feet and an underclearance of 8.0 feet. The project is located along the eastern right-of-way of SR 0155 approximately 2.1 miles east of the intersection of Four Mile Run Road and SR 0155 (Emporium, PA Quadrangle N: 11.8 inches; W: 15.3 inches) in Shippen Township, **Cameron County**.

**E14-295.** Encroachment. **Pleasant Valley Campground, Inc.**, P. O. Box 217, Howard, PA 16841. To remove the existing structure and to construct and maintain a single span steel beam wooden deck bridge with a normal clear span of 22 feet and an underclearance of 9.0 feet crossing Little Marsh Creek on the campground road on the south side of SR 1002 approximately 1.5 miles west of the intersection of T-485 and SR 1002 (Snow Shoe SE, PA Quadrangle N: 4.3 inches; W: 2.3 inches) in Boggs Township, **Centre County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E41-389.** Encroachment. **Ecks Garage, Inc.**, R. R. 2, Muncy, PA 17756. To place and maintain fill and to excavate 0.4 acre of isolated palustrine emergent wetlands for the purpose of enlarging an existing parking lot and to relocate stormwater drainage swales. The proposed work will permanently impact 0.3 acre and temporarily impact 0.1 acre of wetlands replacement. The project site is located approximately 3.5 miles east of Montoursville and 0.3 mile southwest of I-180/Rt. 220 right of way (Muncy, PA Quadrangle N: 21.8 inches; W: 14.25 inches) in Fairfield Township, **Lycoming County**.

**E47-057.** Encroachment. **Speedex Industries, Inc.**, James Paugh, 120 Blue Springs, Danville, PA 17821. To place fill approximately 90 feet wide and 260 feet long within the floodway of an unnamed tributary to Chillisquaque Creek between SR 254 and the stream .25 mile west of SR 54 (Washingtonville, PA Quadrangle N: 8.6 inches; W: 5.5 inches) in Derry Township, **Montour County**. This permit was issued under section 105.13(e) "Small Projects."

**E57-076.** Encroachment. **William Derkacs**, 299 Goldenridge Dr., Levittown, PA 19057-3425. To construct and maintain a single span steel I-beam bridge that will carry a private single resident use road across Porter Run. The proposed bridge shall be constructed with a single span of 40.0 feet, an underclearance of 12.0 feet and width of 10.0 feet. The project is located along the southern right-of-way of the intersection of Hoagland Branch Road and T-416 (Shunk, PA Quadrangle N: 5.3 inches; W: 10.6 inches) in Fox Township, **Sullivan County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-332.** Water obstruction and encroachment. **Sullivan Township**, P. O. Box 84, Mainesburg, PA 16932. To remove the existing structures and to construct and maintain a triple barrel 44 inch by 72 inch CMPA culvert about 40 feet long depressed 6 inches below streambed in an unnamed tributary to Elk Run and located on T-876 about 0.9 mile east of SR 1007 (Roseville, PA Quadrangle N: 13.4 inches; W: 12.5 inches) in Sullivan Township, **Tioga County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northeast Regional Office: Regional Soils and Waterways Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, telephone (717) 826-5485.*

**E39-318.** Encroachment. **City of Allentown**, 435 Hamilton Street, Allentown, PA 18101. To remove the existing steel superstructure and three stone piers from the former Lehigh Valley Railroad Station, and to construct and maintain a channel improvement project consisting of approximately 80 linear feet of stone lining in and along the banks of Jordan Creek. The project is located immediately downstream of the Hamilton Street Bridge (Allentown East, PA Quadrangle N: 19.0 inches; W: 12.5 inches), in the City of Allentown, **Lehigh County**.

**E40-447.** Encroachment. **Donald F. Searfoss**, 629 East Tenth Street, Northampton, PA 18067. To remove the existing structure and to construct and maintain a private single-span bridge, having a span of approximately 20 feet and an underclearance of approximately 7 feet, across Mill Creek, for the purpose of providing access to a hunting camp. The existing bridge abutments will be repaired and maintained. The project is located near the outlet of Bryants Pond (White Haven, PA Quadrangle N: 15.3 inches; W: 8.7 inches), in Dennison Township, **Luzerne County**.

**E45-284.** Encroachment. **Pierce Hardy Limited Partnership**, 4121 Washington Road, McMurray, PA 15317. To amend Permit No. E45-284 to construct and maintain a channel change in a tributary to Brodhead Creek having a length of approximately 830 feet. The proposed R-4 riprap lined trapezoidal channel will have a minimum depth of 3 feet, a varying bottom width of 10 to 15 feet and 2 to 1 sideslopes. The project is associated with the proposed 84 Lumber Company Home Center and is located approximately 700 feet north of the intersection of S.R. 0447 and T-512 (Brushy Mountain Road) (East Stroudsburg, PA Quadrangle N: 5.3 inches; W: 10.4 inches) in Stroud Township, **Monroe County**.

*Southcentral Regional Office: Water Management Program, Soils and Waterways Section, One Ararat Boulevard, Room 126, Harrisburg, PA 17110, telephone (717) 657-4590.*

**E07-271.** Encroachment. **Howard Dilling**, R. D. 2, Box 219, Williamsburg, PA 16693. To remove an existing structure and to construct and maintain a single span bridge having a span of about 44 feet and an underclearance of about 5.5 feet across Clover Creek to access private property located about 2.8 miles south of the Borough of Williamsburg off Township Road T-400 (Williamsburg, PA Quadrangle: N: 8.0 inches; W: 12.2 inches) in Woodbury Township, **Blair County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E28-241.** Encroachment. **David and Eugenia Shindledecker**, Franklin County, 915 Hade Road, Chambersburg, PA 17201. To construct and maintain a 40 foot span steel girder bridge with a minimum 5 feet underclearance across Conodoguinet Creek to provide access to the rear of the Shindledecker's located south of T-556 (Lower Horse Valley Road) about 2.6 miles from its intersection with PA 641 (Roxburg, PA Quadrangle N: 14.4 inches; W: 16.7 inches) in Letterkenny Township, **Franklin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E28-242.** Encroachment. **Jerry L. Ridge**, Franklin County, 7601 Creager Road and Joel Barnhart, 7605

Creager Road, Waynesboro, PA 17268-9750. To construct and maintain a 54 inch  $\times$  40 inch arch pipe with a length of 180 feet along an unnamed tributary to Antietam Creek located in Fairview Village (Waynesboro, PA Quadrangle N: 8.91 inches; W: 8.72 inches) in Quincy Township, **Franklin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E36-623.** Encroachment. **East Hempfield Township**, Lancaster County, George Marcinko, Mgr., 1700 Nissley Road, Landisville, PA 17538. To construct and maintain two pedestrian bridges having 20 foot clear spans with underclearances of 2.25 feet and 4.25 feet across Brubaker Run, accessed by a 6 foot wide mulched foot path deminimus area of wetlands less than or equal to 0.05 acre will be impacted by this project. An eight car parking lot of grasscrete blocks and a playground area will be located within the 100-year floodplain of the Little Conestoga Creek for development of Wheatland Park located adjacent to Columbia Avenue (Lancaster, PA Quadrangle N: 7.6 inches; W: 16.3 inches) in East Hempfield Township, **Lancaster County**.

**E44-079.** Encroachment. **Brown Rook**, Mifflin County, P. O. Box 552, Milroy, PA 17063. To maintain a bridge constructed under Emergency Permit EP44-96-02 having a clear span of 30 feet and an underclearance of about 6 feet across Laurel Creek for the purpose of providing access to private property located along SR 1001 about 600 feet east of its intersection of Church Lane (T-464) (Burnham, PA Quadrangle N: 15.65 inches; W: 9.57 inches) in Armagh Township, **Mifflin County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E67-574.** Encroachment. **L & H Trucking Company**, Helen Longstreth, Sec/Treasurer, York County, 860 Gitts Run Road, Hanover, PA 17331. To fill 2.37 acres of jurisdiction wetlands for the purpose of facility and parking expansion located at the southwest corner of the intersection of Moulstown Road and Gitts Run Road (Hanover, PA Quadrangle N: 14.7 inches; W: 11.6 inches) in Penn Township, **York County**. The permittee is required to construct 2.42 acres of replacement wetlands.

*Southeast Regional Office: Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-723.** Encroachment. **Borough of Quakertown**, 15-35 North Second Street, P. O. Box 727, Quakertown, PA 18951. To modify, operate and maintain an existing roadway bridge spanning Old Bethlehem Pike across Beaver Run. The project consists of widening the bridge structure by adding a prefabricated pedestrian bridge unit along the eastern side of the bridge. The unit will be placed on existing piers and abutments which extend downstream from the bridge. The proposed pedestrian bridge, a 50-foot long by 4-foot wide steel frame with wooden deck structure, will serve as a pedestrian access from residential subdivisions in Richland Township to Quakertown Borough businesses, schools and parks. The site is located along Old Bethlehem Pike's right-of-way at a point approximately 1 mile north of the intersection of S. R. 309 and Tollgate Road (Quakertown, PA Quadrangle N: 10.0 inches; W: 13.1 inches) in Quakertown Borough, **Bucks County**. This permit was issued under section 105.13(e) "Small Projects."

**E51-156.** Encroachment. **American Stores Properties, Inc.**, P. O. Box 30658, Salt Lake City, Utah 84130-0658. To place and maintain fill in 420 feet of Paul's Run,

a tributary to Pennypack Creek (TSF-MF) to construct and maintain 600 feet of channel to convey the relocated flows of Paul's Run and to construct and maintain 30 linear feet of 48-inch RCP culvert which will be installed near the confluence of an unnamed tributary of Paul's Run with Paul's Run. The project will impact 0.08 acre of wetland (PEM/SS) to facilitate the proposed construction of an Acme supermarket. Construction also includes the creation of 0.39 acre of replacement wetlands in the 100-year floodplain of the proposed stream channel. A 30-inch CMP conduit will also be constructed to convey stormwater under the bed of the channel to a proposed nonscope detention dam and basin as well as a 30-inch outfall structure from the basin into the proposed channel. The project is located at the corner of Northeast Boulevard and Red Lion Road (PA Route 63) (Frankford, PA-NJ Quadrangle N: 18.0 inches; W: 3.75 inches) in the City of Philadelphia, **Philadelphia County**.

**E51-155.** Encroachment. **Philadelphia Gas Works**, 800 West Montgomery Avenue, Philadelphia, PA 19122-0500. To operate and maintain an existing 24-inch petroleum product pipeline crossing of the Schuylkill River (WWF-MF) owned by the Philadelphia Gas Works. The site is situated approximately 600 feet upstream of the Passyunk Avenue Bridge (Philadelphia USGS Quadrangle N: 8.2 inches; W: 11.0 inches) in the City and **County of Philadelphia**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Northwest Regional Office: Soils and Waterways Section, 230 Chestnut Street, Meadville, PA 16335-3481, telephone (814) 332-6942.*

**E20-437.** Encroachment. **John N. Jay**, 2708 Camelot Drive, Columbiana, OH 44408. To operate and maintain an existing 570-total square foot pile supported dock extending approximately 90 feet from the eastern shore in Conneaut Lake along the Konneaut Trail Property Owners Association property known as Iroquois Drive Property Access approximately 2,000 feet west of S. R. 0018 at Iroquois (Conneaut Lake, PA Quadrangle N: 3.75 inches; W: 6.5 inches) located in Sadsbury Township, **Crawford County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E20-438.** Encroachment. **Meadville Area Sewer Authority**, 984 Water Street, Meadville, PA 16335. To construct and maintain a sewage treatment plant and appurtenances within the mapped FEMA floodway of French Creek along the west side of S. R. 6/19 immediately upstream of the Smock Memorial Bridge carrying S. R. 6/19 across French Creek (Meadville, PA Quadrangle N: 0.7 inch; W: 4.4 inches) in City of Meadville, **Crawford County**.

To construct and maintain a sewage pump station within the mapped FEMA floodway of French Creek approximately 50 feet southeast of the existing pump station at the foot of Clark Street downstream of S. R. 6/19 (Meadville, PA Quadrangle N: 0.1 inch; W: 4.3 inches) in West Mead Township, **Crawford County**.

To construct and maintain a 36-inch diameter RC pipe outfall structure along the east bank of French Creek adjacent to the downstream end of the pier of the Smock Memorial Bridge (Meadville, PA Quadrangle N: 0.05 inch; W: 4.45 inches) located in West Mead Township, **Crawford County**.

**E37-111.** Encroachment. **Charles D. Leise**, R. D. 1, Box 2, New Wilmington, PA 16142-8902. To construct and

maintain a steel beam bridge having a span of 20 feet and a maximum underclearance of 6 feet across a tributary to Little Neshannock Creek (McClure Run) for private access located approximately 200 feet downstream of S. R. 0208 and 100 feet west of the New Wilmington Borough line (New Castle North, PA Quadrangle N: 21.9 inches; W: 12.7 inches) located in Wilmington Township, **Lawrence County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E42-244.** Encroachment. **Sergeant Township Supervisors**, Box 1A Star Route, Mt. Jewett, PA 16740. To remove the existing bridge and to construct and maintain a concrete box culvert having a 13-foot wide by 3-foot high waterway opening in Bloomster Hollow on T-321 approximately 1.5 miles south of S. R. 0006, just upstream of Shelander Hollow (Hazelhurst, PA Quadrangle N: 20.65 inches; W: 0.1 inch) located in Sergeant Township, **McKean County**. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**Actions taken on permits issued under the act of June 24, 1939 (P. L. 842, No. 365) (32 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southeast Regional Office: Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, telephone (610) 832-6130.*

**WA9-346B.** Succession to Water Rights. The Department has acknowledged that **Philadelphia Suburban Water Company**, Lower Merion, **Montgomery County**, has given notice that it succeeded to all rights and obligations under the permit, issued to the former Bristol Borough Water and Sewer, Bristol Borough, Bucks County on January 1, 1997.

[Pa.B. Doc. No. 97-191. Filed for public inspection February 7, 1997, 9:00 a.m.]

## Availability of Technical Guidance

### *Governor's Office List*

Once a year on the first Saturday in August, the Governor's Office publishes a list of the nonregulatory guidance documents of all State agencies in the *Pennsylvania Bulletin*. The first publication of this list was in the August 3, 1996 edition of the *Bulletin*.

### *DEP's Technical Guidance Document Inventory*

DEP publishes a list of its technical guidance documents in its Technical Guidance Document Inventory twice a year. The most recent edition of the Inventory is the December 1996 edition. One version of the list of the documents contained in this edition is now available on DEP's World Wide Web site. DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of the Inventory once on the DEP home page, persons should choose the Public Participation Center, scroll down to the "Technical Guidance Document" heading and (under this heading) click on "Basic Inventory."

Paper copies of the Inventory are being printed and will be available mid-January. DEP automatically mails a paper copy of the December 1996 Inventory to persons who received a paper copy of the June 1996 Inventory.

Persons who wish to add their address to the mailing list should call Nina Huizinga at (717) 783-8727.

### *DEP's Technical Guidance Documents on the World Wide Web*

DEP's Web address is <http://www.dep.state.pa.us>. To go to the location of DEP's Technical Guidance Documents once on the DEP home page, persons should choose the Public Participation Center. The Center contains several links to DEP's Technical Guidance Documents. The link to draft technical guidance documents is listed under the heading "Proposals Open to Comment." The link to recently finalized technical guidance documents is listed under the heading "Recently Finalized Proposals." Two links are under the heading "Technical Guidance Documents": one link is to the "Basic Inventory" and one link is to "Final Documents" on the Web. The final documents menu will list DEP's bureaus. Persons should click on the name of the bureau to get to the list of the documents from that bureau that are currently on the Web. Then, to get to see a document, persons should click on the ID number of the document. DEP will be adding its revised documents to the Web throughout 1997.

### *Ordering Paper Copies of DEP Technical Guidance*

Persons can order a copy of the latest Inventory or a copy of any of the final documents listed on the Inventory by calling Elwyn Inc. (the printer) at 1 (800) 804-4020 if calling in Pennsylvania or (610) 497-5841 if calling from outside Pennsylvania.

### *Changes to Technical Guidance Documents*

Between publication of its Inventory, DEP announces changes to its technical guidance documents in its weekly newsletter, the *UPDATE* and the *Pennsylvania Bulletin*. Here is the current list of recently finalized documents, draft documents and notices of intended changes to technical guidance.

Persons who have any questions or comments about a particular document should call the contact person whose name and phone is listed with each document. Persons who have questions or comments about the Inventory, the documents on the World Wide Web, the availability of paper copies from the printer or the technical guidance document process in general should call Nina Huizinga at (717) 783-8727.

### *Final Technical Guidance—Substantive Revisions to Existing Guidance*

DEP ID: 361-0800-001. Title: Principles for Ground Water Pollution Prevention and Remediation. Description: This guidance sets forth the principles for a consistent Statewide program for prevention of ground water pollution and remediation of contaminated ground water. Page Length: 5 pages. Location: Volume 28, Tab 6. Contact: James T. Ulanoski at (717) 787-9633.

### *Final Technical Guidance—Minor Revision*

DEP ID: 383-3301-106. Title: Filter Rule Reporting Instructions for Public Water Systems Using Filtered Surface—Water Sources. Description: This document establishes uniform instructions and protocol for certified laboratory directors and public water suppliers for the proper reporting of turbidity, disinfectant residual and heterotrophic bacteria performance monitoring data to DEP under the Safe Drinking Water Program. Page Length: 40 pages. Location: Volume 20, Tab 6. Contact: Joe Hoffman at (717) 787-5017.

*Draft Technical Guidance*

DEP ID: 580-2200-003. Title: Use of Electronic Atmospheric Detectors in lieu of Approved Flame Safety Lamps. Background: Section 316(h) of the Pennsylvania Bituminous Coal Mine Act identifies gas detection requirements for machine operators. Specifically, machine operators are required to carry flame safety lamps. MSHA requires an electronic methane detector for gas checks instead of a flame safety lamp. Technological advances in electronic gas detection equipment have increased their reliability. Mine operators have indicated a need to use electronic detectors in lieu of flame safety lamps for machine operators. This technical guidance is necessary to ensure that reasonable and consistent standards exist for the approval of alternate gas detection devices. This guidance will establish the necessary standards. Establishment of standards will align Federal and State requirements. Deadline for Submittal of Comments: March 8, 1997. Contact: Glen D. Ziegler at (717) 787-1376.

DEP ID: 580-2200-008. Title: Approval of Internal Combustion Motors in Underground Mines other than Coal. Background: Section 25-2(f) of the General Safety Law requires that all mines other than coal mines be operated in a manner that provides reasonable and adequate protection to workers employed therein. In furtherance of this requirement, the use of internal combustion motors in underground mines other than coal mines is prohibited unless otherwise approved by the Department. This technical guidance is necessary to ensure that reasonable and consistent standards exist for the approval and regulation of internal combustion motored equipment. Deadline for Submittal of Comments: March 8, 1997. Contact: Glen D. Ziegler at (717) 787-1376.

*Notice of Intent to Revise Existing Guidance*

DEP ID: 563-2100-216. Title: Permit Renewals. Background: This guidance relates to the coal mine permit renewal requirements of 25 Pa. Code § 86.55. This section of the regulations was revised in December, 1995. Additional guidance is necessary to address the revisions. Anticipated Effective Date: May 1, 1997. Anticipated Draft Development Date: February 28, 1997. Proposed Development and Review Process: The revisions will be drafted with input from the District Mining Office and the Office of Chief Counsel. The draft guidance will be provided to the Pennsylvania Coal Association, Pennsylvania Anthracite Council, Pennsylvania Mining Professionals and the public for review and comment. Contact: Nevin Strock at (717) 783-8845.

DEP ID: 561-5300-101. Title: Mine Subsidence Insurance (MSI) Coverage Issuance Procedures. Background: This guidance will standardize the administrative procedures and forms used to respond to requests for MSI coverage. Anticipated Effective Date: November 30, 1997. Anticipated Draft Development Date: May 31, 1997. Proposed Development and Review Process: These administrative procedures will be drafted by a committee consisting of representatives from the MSI Field Offices and the MSI Central Office. The draft will be forwarded by the Central Office to the appropriate Department levels for review and comments. All comments will be answered or incorporated into the final draft. The final draft will be announced in the *UPDATE* and in the *Pennsylvania Bulletin*, placed on DEP's Web site for public comment and circulated within DEP for final consideration. Contact: Lawrence Ruane at (717) 783-9586.

DEP ID: 561-5300-201. Title: Mine Subsidence Insurance (MSI) Damage Claim Processing Procedures. Background: This guidance will standardize the administrative procedures and form used to respond to damage claims made by MSI policy holders. Anticipated Effective Date: November 30, 1997. Anticipated Draft Development Date: May 31, 1997. Proposed Development and Review Process: Same as for 561-5300-101 (above). Contact: Lawrence Ruane at (717) 783-9586.

*Notice of Intent to Rescind Technical Guidance*

DEP ID: 561-2114-101. Title: Areas Unsuitable for Mining: Guidelines for Discretionary Criteria. Background: On October 25, 1995 the Environmental Quality Board (EQB) proposed rulemaking that incorporated the provisions of this guidance as regulations. An informal review of the proposed rulemaking by the Federal Office of Surface Mining Reclamation and Enforcement (OSMRE) indicated that the proposed rulemaking and program amendment would be less effective than the corresponding Federal requirements. OSMRE believes that the provisions of the proposed rulemaking would limit the consideration of petitions under the discretionary criteria. The EQB withdrew the proposed regulatory changes to the discretionary criteria. Because the proposed rulemaking was based upon this guidance, the Department believes that this guidance should also be rescinded. The rescission of this guidance will not have any effect on the operation of the program. Recommendations for designation of areas as unsuitable for mining, under this regulatory criteria, will remain at the discretion of the Department. Effective Date of Rescission: February 14, 1997. Contact: M. C. McCommons at (717) 787-4761.

JAMES M. SEIF,  
*Secretary*

[Pa.B. Doc. No. 97-192. Filed for public inspection February 7, 1997, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Adoption of 1996-97 Edition of "Guidelines for Design and Construction of Hospital and Health Care Facilities"

Under its authority under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) and the hospital and ambulatory surgical facility regulations promulgated thereto, the Department of Health (Department) will adopt the 1996-97 edition of the "Guidelines for Design and Construction of Hospital and Health Care Facilities," (Guidelines) effective July 1, 1997. As of July 1, 1997, the Department will apply these new requirements to all plans for new construction or renovations for hospitals and ambulatory surgical facilities.

The Department currently applies the 1992-93 edition of the Guidelines, entitled "Guidelines for Construction and Equipment of Hospital and Medical Facilities," for all new construction, renovations or modernization of hospitals and ambulatory surgical facilities. The 1992-93 edition of the Guidelines will continue to be utilized through June 30, 1997.

The Department has received inquiries regarding the implementation of the 1996-97 edition of the Guidelines, and when they would be enforced. The 1996-97 edition of

the Guidelines can be utilized immediately; however, to allow adequate lead-in time for larger or more complicated projects, the mandatory usage of the new Guidelines will not take effect until July 1, 1997.

The established procedure requires the submission of construction plans and the issuance of a final construction plan approval by the Division of Safety Inspection prior to the start of any new construction, renovation, modernization or changes in usage. Blueprints are to be submitted to the Division and are reviewed for compliance with the NFPA 101, Life Safety Code, and the requirements as set forth in the Guidelines. The plan approval function is a requirement to insure that all new construction or renovations comply with all applicable regulations to avoid building noncompliant conditions into hospital or ambulatory surgical buildings, which would necessitate costly remedial work to correct prior to the Department allowing the renovated area to be occupied.

After construction has been completed, a final inspection must be conducted for Life Safety Code requirements by the Division of Safety Inspection, and for State licensure and/or Federal Certification requirements by the Division of Acute and Ambulatory Care Facilities prior to the use of the area.

We recommend that smaller renovation projects or new additions be designed and submitted for approval based on compliance with the 1996-97 edition of the Guidelines as soon as possible. Although it is still permissible to utilize the 1992-93 edition until July 1, 1997, it would be prudent to utilize the 1996-97 edition. Larger or more complicated projects should be designed in conformance with the new Guidelines, however, all final plan approvals issued after June 30, 1997, will be reviewed for conformance with the 1996-97 edition of the Guidelines, regardless of when the preliminary plans were submitted.

Those persons interested in purchasing a copy of the 1996-97 edition of the "Guidelines for Design and Construction of Hospital and Health Care Facilities" may telephone 1 (800) 365-ARCH (2724) to place an order or request a catalog.

Questions regarding this notice should be directed to Peter P. Petresky, Director, Division of Safety Inspection at (717) 787-1911. Persons with a disability who require an alternative format of this document should contact Peter P. Petresky so that he may make the necessary arrangements.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 97-193. Filed for public inspection February 7, 1997, 9:00 a.m.]

### **Pennsylvania Cancer Control, Prevention and Research Advisory Board; Meeting Notice**

The Pennsylvania Cancer Control, Prevention and Research Advisory Board is scheduled to hold a meeting on March 26, 1997, from 10 a.m. to 1 p.m. in Room 812 of the Health and Welfare Building, Harrisburg, PA. Anyone wishing to attend the meeting or who has questions regarding the meeting should contact Susan F. George, Program Manager, Department of Health, Cancer Control Program at (717) 787-5251.

Persons who require reasonable accommodations or who have special needs in accordance with the Americans

with Disabilities Act of 1990 should contact Susan F. George at (717) 787-5251 at least 10 days prior to the meeting.

This meeting is subject to cancellation without notice.

DANIEL F. HOFFMANN, FACHE,  
*Acting Secretary*

[Pa.B. Doc. No. 97-194. Filed for public inspection February 7, 1997, 9:00 a.m.]

## **INDEPENDENT REGULATORY REVIEW COMMISSION**

### **Actions Taken by the Commission**

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, November 7, 1996, and took the following actions:

#### *Regulation Disapproved:*

Department of Public Welfare #14-414: Eligibility for Services Funded through the Medical Assistance Transportation Program (amends 55 Pa. Code Chapter 2070)

*Commissioners Present:* John R. McGinley, Jr., Chairperson; Robert J. Harbison, III, Vice Chairperson; Arthur Coccodrilli; John F. Mizner, Dissenting; Irvin G. Zimmerman

Public meeting held  
November 7, 1996

*Department of Public Welfare—Eligibility for Services Funded through the Medical Assistance Transportation Program; Doc. No. 14-414*

### **Order**

On July 13, 1994, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking would amend 55 Pa. Code Chapter 2070. The authority for this regulation is contained in sections 201, 205, 206 and 403 of the Public Welfare Code (62 P. S. §§ 201, 205, 206 and 403), Title XIX of the Social Security Act, and regulations at 42 CFR 431.53. The proposed regulation was published in the October 22, 1994 edition of the *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 16, 1996.

The Department proposes to update Chapter 2070 of 55 Pa. Code, relating to eligibility for services funded through the Medical Assistance Transportation Program (MATP), and to eliminate misconceptions associated with the current regulation entitled "Eligibility for Services Funded through the Public Assistance Transportation Block Grant." Federal Title XIX regulations require a State Medicaid Agency to assure the availability of Medical Assistance (MA) transportation and describe the method used to meet this requirement in the State Plan.

These changes are intended to clarify that the funding source for the MATP program is not block grants and that the program does not include all public-funded transportation. The MATP program is a transportation cost-reimbursement program funded by Federal Title XIX



monies and Pennsylvania dollars as an administrative support to the Department's MA Program. It is administered on the local level by counties or prime contractors (individuals, agencies or organizations) which provide transportation services under a contract with the Department.

The contractors most often use "paratransit" vehicles (for example, vans and taxicabs), rather than fixed route public transportation, to transport MA eligible persons to nonemergency MA enrolled medical services within each county's defined service area. According to the Department, MATP "paratransit" constitutes all modes of transportation other than public (transit) transportation. There is no public transportation in 20 Pennsylvania counties due to their rural nature.

Providers are compensated for their MATP services by submitting requests for reimbursement to the Department as part of their quarterly reports to the Department. Reimbursements for driving in rural counties, for example, range from 12 cents to 24 cents per mile. Approximately 100,000 MA recipients are served by the MATP Statewide, with a total of 4,464,124 one-way rides provided in fiscal year 1995-1996 (through August 1996). Of that total, 2,341,767 (slightly more than one half of the total), were provided in Philadelphia County, with 2,122,357 one-way rides provided throughout the rest of Pennsylvania. Approximately 20% of those who use MATP services are located in Philadelphia County. There are a total of 59 prime contractors and providers in 66 counties which provide MATP services under contract with the Department.

The Department has made many amendments to Chapter 2070, including the following salient provisions of the final-form version. Section 2070.4 (Definitions) defines "curb-to-curb transportation service" as "the provision of safe transportation from pick-up to delivery on roadways maintained by government entities with driver assistance, as necessary, for the client to enter and leave the vehicle." Section 2070.29(b) (relating to service areas and limitations) provides that vehicles used to transport MA clients should not be left unattended to assure the safety of the occupants of vehicles. Hence, the MATP will provide curb-to-curb service.

The definition of "curb-to-curb transportation service" and the language of section 2070.29(b) reflects what the Department claims is its current policy of administering the MATP. In response to a concern we raised in our Comments about the failure of the proposed version of section 2070.29(b) to address door-to-door service, the Department deleted the word "only" before the phrase "curb-to-curb service" in the final-form regulation. However, the regulation has no provision for exceptions to curb-to-curb service.

Based on comments on both the proposed and final-form versions of this rulemaking, section 2070.29(b) remains the single most controversial provision. Many commentators assert that only providing curb-to-curb service will be a fundamental change in policy away from door-to-door MATP service. They point out that in Philadelphia County, where approximately half of all of the MATP one-way rides in the Commonwealth are provided, medically-qualified MA clients receive door-to-door (and paid escort) service under a contract with "Wheels," a local medical transportation service. The contract with Wheels has been renewed every 3 or 4 years since 1983; the present contract is scheduled to expire in mid-1998.

Neither the regulation nor the preamble narrative disclose or acknowledge the existence of the Wheels

contract or indicate if or how counties or transportation providers may seek a contractual exception to the general curb-to-curb service rule. The Department stated that it is not its intent to expand the existing MATP to a door-to-door service or provide attendants/escorts services to help facilitate door-to-door access because doing so would constitute a significant alteration in the nature of the program. For this reason, the Department projected there would be no fiscal impact associated with this rulemaking.

Section 2070.29(c) states that the MATP will not provide service where the distance from origin to destination is  $\frac{1}{4}$  mile or less. Also, where the distance to and from public transportation which serves as the link between the origin and destination does not exceed  $\frac{1}{4}$  mile, and where public transportation is the least costly and most appropriate level of service, public transportation is to be used and the MATP will reimburse counties and prime contractors for the cost of providing such service. Section 2070.29(d) provides that each county and prime contractor, in consultation with the Department, shall determine on an individual basis any exceptions to the  $\frac{1}{4}$  mile policy based on the mental or physical capability of the MA client.

Section 2070.35 (Escorts) remains unchanged from the proposed regulation. The MATP will pay transportation costs for a noneligible person to accompany a client to needed medical services only when it has been determined that the client cannot travel independently. Subsection (1) provides that clients who are not minor children and require transportation assistance must arrange for their own escort or, when available, the escorts designated by the medical service practitioners. The MATP will reimburse for escorts only when the need is verified by a physician. Subsection (2) provides that transportation costs for a parent or designated responsible caregiver may be incurred only when that person accompanies the minor child to or from the MA compensable service.

Section 2070.35(3) provides that medical service practitioners who request transportation for persons who present a potential threat to the vehicle operator or vehicle occupants shall provide supervision for those persons. This requirement is designed to assure the safety of vehicle occupants and vehicle operation while accommodating the transportation needs of the individual.

Section 2070.37 (priority scheduling in periods of peak demand) was revised to require counties and prime contractors to have procedures which give preference to clients having the most pressing medical need to receive service before other clients when all clients cannot be satisfactorily served at the same time.

The Department received 33 comment letters on the proposed version of this rulemaking from various advocacy groups, clients, provider organizations, and governmental agencies, including this Commission. Almost all expressed concerns or opposition, especially to the Section 2070.29(b) provision for (only) a curb-to-curb MATP service. In connection with the final-form regulation, the Department met with various affected provider groups and the Consumer Subcommittee of the Medical Assistance Advisory Committee (MAAC) 6 days after the final-form regulation was submitted to the Commission and the standing committees of the General Assembly.

At the time of those meetings the Department indicated that it would do two things that are not reflected in the



final-form regulation. First, the Department indicated that it would consider requests for a "waiver" of its curb-to-curb standard. Second, it indicated that the Department would no longer require those MA clients who qualify for certification under the Americans with Disabilities Act (ADA) (42 U.S.C. § 12132) to seek such certification and use available public mass transportation in lieu of MATP service.

The Department's change of position on transporting ADA-qualified MA clients occurred after the Department received a letter, dated October 3, 1996, from the Federal Health Care Financing Administration (HCFA). The HCFA letter, received before the Department submitted this final-form regulation, informed the Department that Pennsylvania may not require MA beneficiaries to apply for ADA certification and use nonemergency transportation which public transportation systems must provide under the ADA. In essence, the Department is not allowed to move, or "shed," ADA-qualified MA clients from the MATP onto public mass transportation.

The Department's failure to consult with the MAAC and affected provider group organizations in the 2-year period before submitting the final-form regulation was of serious concern to Representatives Frank Oliver and Roy Cornell, the Chairpersons of the House Health and Human Services Committee, and Senator Hardy Williams, Minority Chairperson of the Senate Public Health and Welfare Committee. All three submitted comment letters to the Commission opposing the final-form regulation and recommended that it be disapproved.

Notwithstanding the Department's stated willingness to consider granting a waiver of its curb-to-curb service requirement and change its policy on transporting ADA-qualified MA clients, 11 MA client advocacy groups, provider organizations and individuals submitted comment letters raising various concerns and expressing opposition to the language of the final-form regulation.

Prior to the public meeting at which the final-form regulation was considered, the Department submitted information to the Commission to further clarify the preamble narrative to the regulation. Regarding the need for the regulation, revised language stated that in Philadelphia there is a contract with a private agency and services are provided based on the contractual agreement. In the other 66 counties, MATP services are provided through the Department's agreement with county governments. Also, a general statement was added to include the Department's willingness to consider waiver requests from the curb-to-curb policy. Finally, three paragraphs relating to the ADA were deleted and a statement was added to clarify the Department's revised policy to provide MATP service for ADA-certified MA clients. The written conformation of the change in the Department's position on ADA-certified MA clients resolved the Commission's concerns about cost-shifting of services in violation of the ADA.

However, the preamble, even as revised, does not acknowledge that the MATP in Philadelphia County is provided as a door-to-door service. It states, as noted previously, that the Department has not attempted to estimate the fiscal impact of a door-to-door program or attendant/escort services because doing so would constitute a significant "fundamental alteration in the nature of the program."

At our public meeting, discussion focused on the basic concern about the conflict between the regulation, which provides that the MATP is a curb-to-curb service with no

provision for door-to-door service, and the fact that door-to-door and escort services are currently available to medically qualified MA clients in Philadelphia County, where slightly more than 50% of total MATP rides are provided.

We expressed concern that individuals who are eligible for the MATP, but unable to get to the curb, would be deprived of access to available transportation services under the program. A spokesman for the Disabilities Law Project (Philadelphia), Robert Meek, Esquire, echoed this concern, noting that under Federal Title XIX requirements (of the Medicaid provisions of the Social Security Act), the Department is obligated to assure transportation to nonemergency medical services for MA clients in need of such services. He indicated that this includes providing door-to-door or escort services when necessary.

Federal law (at 42 CFR 431.53 relating to assurance of transportation) requires the Department to ensure necessary transportation service for MA clients to and from medical services providers and to describe the methods the Department will use to meet this requirement. Although the Department has flexibility in structuring how MATP services are provided, it must ensure that those with transportation needs are accommodated. Federal law also requires states to make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability (28 CFR 35.1030(B)(7)).

The essential nature of the MATP in Pennsylvania is as both a curb-to-curb service and a door-to-door service. Clearly, for part of the Commonwealth, the Department already provides the necessary modifications in service to accommodate those who cannot reasonably locomote between the door and curb. That fact eviscerates the Department's assertion that including some provision in the regulation for door-to-door service would constitute a significant "fundamental alteration in the nature of the program."

Given Federal law requirements and the way the MATP actually operates, we object to a regulation which specifies curb-to-curb service with no provision for door-to-door service when the latter has been and is an integral part of the program. Indeed, the dichotomy creates the appearance, if not the reality, that the regulation would deny certain disabled MA clients access to the MATP. That, we believe, is problematic for the Department under the above assurance of transportation provision of Federal law, as well as under the ADA rule which prohibits discrimination against any individual on the basis of disability (42 U.S.C. § 12132).

To help resolve the problem, we recommend the Department add another sentence to section 2070.29(b) to provide that the MATP will make door-to-door service available on an individual basis if necessary due to the physical or mental incapacity of the client. Such language would be very similar to that already provided under section 2070.29(d) relating to granting exceptions to the ¼ mile rule. The clause "if necessary due to the physical or mental incapacity of the client" would limit the availability of the more costly door-to-door service to only those MA clients who qualify under established requirements.

As a practical matter, some provision for escorts is also necessary to help facilitate door-to-door service while allowing the driver to stay with the vehicle, thereby ensuring the safety of the MATP vehicle and its other riders. We also suggest the Department amend section

2070.35 further by adding a new provision to allow escorts on an "as necessary" basis per agreement between the Department and the county and/or other transportation provider in situations involving exceptions to curb-to-curb service.

We have been informed that in many instances volunteer escorts have provided assistance to MA clients using the MATP. We suggest, accordingly, that any language allowing or requiring escorts in connection with door-to-door service be flexible enough to permit volunteer (non-paid) escorts. Using volunteers would help ameliorate some of the additional costs for providing medically necessary door-to-door service.

We have reviewed this regulation and find it not to be in the public interest. As presently worded, the regulation is inherently ambiguous and in violation of the Regulatory Review Act. For the reasons previously discussed, there should be some provision for door-to-door service to accommodate the access needs of certain disabled MA clients. We also believe incorporating the foregoing suggested exceptions to curb-to-curb service, coupled with the Department's revised policy of not requiring ADA-qualified MA clients to use public mass transportation instead of the MATP, will blunt assertions that a curb-to-curb transportation policy violates Federal law. We are very sensitive to the Department's concerns that providing door-to-door service would increase the cost of the program. The Department, however, is obligated to assure transportation for those in need.

*Therefore, it is Ordered That:*

1. Regulation No. 14-414 from the Department of Public Welfare, as submitted to the Commission on October 16, 1996, is disapproved;
2. The Department of Public Welfare shall, within 7 days of receipt of this Order, notify the Governor, the designated Standing Committees of the House of Representatives and the Senate, and the Commission of its intention to either proceed with the promulgation of the regulation without revisions, to revise the regulation, or to withdraw the regulation. Failure to submit notification within the 7-day period shall constitute withdrawal of the regulation;
3. The Commission will transmit a copy of this Order to the Legislative Reference Bureau; and
4. This Order constitutes a bar to final publication of Regulation No. 14-414 under section 6(b) of the Regulatory Review Act (71 P. S. § 745.6(b)).

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-195. Filed for public inspection February 7, 1997, 9:00 a.m.]

### Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. The regulations will be considered within 30 days of their receipt at a public meeting of the Commission. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

| <i>Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> |
|-----------------|--|-----------------|
| 18-322          | Department of Transportation<br>Minimum Standards for<br>Fixed Based Operations<br>(resubmittal due to sine die)                       | 1/27/97         |
| 6-255           | Department of Education<br>Community College Courses   | 1/27/97         |
| 12-43           | Unemployment Compensation<br>Board of Review<br>General Requirements   | 1/28/97         |
| 2-106           | Department of Agriculture<br>Tuberculosis and Brucellosis<br>Testing and Documentation<br>Requirements for Cattle,<br>Goats, and Bison | 1/29/97         |
| 2-95            | Department of Agriculture<br>Noxious Weeds   | 1/29/97         |

JOHN R. MCGINLEY, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 97-196. Filed for public inspection February 7, 1997, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Educators Alliance Insurance Company has applied for a Certificate of Authority to operate as a stock casualty insurance company in Pennsylvania. The initial filing was received on January 22, 1997 and was made under the requirements set forth under the Business Corporation Law of 1988, 15 Pa.C.S. § 1 et seq. Persons wishing to comment on the grounds of public or private interest to the issuance of the Department's order approving this Certificate of Authority are invited to submit a written statement to the Insurance Department within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 783-2660.

LINDA S. KAISER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 97-197. Filed for public inspection February 7, 1997, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service  
Without Hearing

**A-121450 F2001. Kaylor Natural Gas Company, Inc.** Application of Kaylor Natural Gas Company, Inc., for

approval of the abandonment or discontinuance of distribution of natural gas service to a portion of Brady's Bend and Sugar Creek Townships, Armstrong County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before February 24, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Kaylor Natural Gas Company, Inc., P. O. Box 466, East Brady, PA 16028.

*By and Through Counsel:* Bruno A. Muscatello, Esq., Stepanian and Muscatello, 228 South Main Street, Butler, PA 16001.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-198. Filed for public inspection February 7, 1997, 9:00 a.m.]

### Gas Service Without Hearing

**A-120007. Nido's Ltd., Inc.** Application of Nido's Ltd., Inc., for approval to begin to offer, render, furnish or supply natural gas service to the public in a portion of Brady's Bend and Sugar Creek Townships, Armstrong County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before February 24, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Nido's Ltd., Inc., 144 Winterwood Drive, Butler, PA 16001.

*By and Through Counsel:* Bruno A. Muscatello, Esq., Stepanian and Muscatello, 228 South Main Street, Butler, PA 16001.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-199. Filed for public inspection February 7, 1997, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 3, 1997, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-00105054, Folder 5000. Byers Taxi Service, Inc.** (115 Franklin Avenue, Vandergrift, Westmoreland County, PA 15690), a corporation of the Commonwealth of Pennsylvania, this application seeks the transfer of all issued and outstanding stock from James P. Byers, Jr. (199 shares) and Clara E. Byers (199 shares) to Julia A. Martin. *Attorney:* John A. Pillar, 1106 Frick Building, Pittsburgh, PA 15219.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.**

**A-00113673. Butchco, Inc., t/d/b/a Thomas Gerrity Moving & Storage** (1252 Philo Street, Scranton, Lackawanna County, PA 18508), a corporation of the Commonwealth of Pennsylvania—household goods in use between points in the city of Scranton, Lackawanna County, and within 3 miles of the limits of said city; and household goods in use, from points in the city of Scranton, Lackawanna County, and within 3 miles of the limits of said city to other points in Pennsylvania and vice versa; which is to be a transfer of all of the rights issued to Fratco, Inc., t/d/b/a Thomas Gerrity Moving & Storage, under the certificate issued at A-00109996, subject to the same limitations and conditions. *Attorney:* Joseph J. Notarianni, Jr., Suite 700, 108 North Washington Avenue, Scranton, PA 18503.

**Applications of the following for approval amendment of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-00107235, Folder 2, Am-A. Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Inc.** (404 19th Street, P. O. Box 13, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the borough of Cherry Tree, Indiana County, and that part of Cambria County on and north of U. S. Highway Route 22, and from points in said area to points in Pennsylvania, and return; *so as to permit* the transportation of persons in limousine service, between points in the counties of Somerset, Cambria and Fayette, and from points in said counties, to points in the counties of Allegheny and Westmoreland and vice versa; which is to be a transfer of the rights authorized under the certificate issued at A-00109343 to Luxury Limos, Inc., subject to the same limitations and conditions. *Attorney:* Lawrence L. Davis, 103 South Center Street, Ebensburg, PA 15931-0064.

**A-00107235, Folder 2, Am-B. Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Inc.** (404 19th Street, P. O. Box 13, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in limousine service, between points in the borough of Cherry Tree, Indiana County, and that part of Cambria County on and north of U. S. Highway Route 22, and from points in said area to points in Pennsylvania, and return; *so as to permit* the transportation of persons in limousine service, (1) between points in Cambria County and from points in said county, to points in Pennsylvania, and return; and (2) between points in the counties of Indiana, Bedford and Huntingdon, and from points in said counties to points in Pennsylvania and return; which is to be a transfer of the rights authorized under the certificate issued at A-00110635,

F. 1, to Florence T. Rizzo, t/d/b/a Royal Lion Limousine, subject to the same limitations and conditions. *Attorney:* Lawrence L. Davis, 103 South Center Street, Ebensburg, PA 15931-0064.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under each application.**

**A-00107235, Folder 3. Tri-County Transportation, Inc., t/d/b/a Happy Times Charter, Inc.** (404 19th Street, P. O. Box 13, Barnesboro, Cambria County, PA 15714), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, between points in the counties of Cambria, Clearfield, Somerset, Blair, Bedford, Huntingdon, Centre and Mifflin, and from points in said counties to points in Pennsylvania and return; subject to the following condition: that no right, power or privilege is granted to use luxury-type stretch limousine vehicles; which is to be a transfer of the rights authorized under the certificate issued at A-00110635, F. 2, to Florence T. Rizzo, t/d/b/a Royal Lion Limousine, subject to the same limitations and conditions. *Attorney:* Lawrence L. Davis, 103 South Center Street, Ebensburg, PA 15931-0064.

#### **Property, Excluding Household Goods in Use**

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before February 24, 1997.

- A-00113682 Business Messenger Service, Inc.  
5040 Louise Drive, Suite 101, Mechanicsburg, PA 17055: David H. Radcliff, Esquire, Cherewka & Radcliff, LLP, 3905 North Front Street, Harrisburg, PA 17110
- A-00113683 Samuel R. Snader  
P. O. Box 297, 538 East 28th Division Highway, Lititz, PA 17543
- A-00113684 Refrigerated Food Express, Inc.  
P. O. Box 374, 55 Murphy Drive, Avon, MA 02322
- A-00113685 H & H Freight Lines, Inc.  
3018 Bowman Road, Lancaster, PA 17601: Melvin Hess, 41 East Orange Street, Lancaster, PA 17602
- A-00113686 Daniel J. Handerhan, t/d/b/a Dan's Delivery Service  
15 Colecrest Street, Carnegie, PA 15106
- A-00113687 Daniel J. Dellich, Jr., t/d/b/a Daniel J. Dellich, Jr., Trucking  
524 Harrisville Road, Boyers, PA 16020
- A-00113688 Adele L. Smith, t/d/b/a George's Small Engine Repair Service  
238 West Otterman Street, Greensburg, PA 15601
- A-00113689 DeRosato Enterprises, Inc.  
140 Evergreen Lane, King Of Prussia, PA 19406

- A-00113690 Nicholas F. and Nicholas J. Natale, t/d/b/a B & N Piano Service  
693 Cherry Tree Road, Aston, PA 19014-2403
- A-00113691 Meadowbrook Trucking, Inc.  
74 Meadow Drive, Mertztown, PA 19539
- A-00113692 Titus S. Kurtz  
R. D. 3, Box 62, Elverson, PA 19520

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-200. Filed for public inspection February 7, 1997, 9:00 a.m.]

#### **Stock Acquisition Without Hearing**

**A-121100F0002. Equitable Resources, Inc.** Application of Equitable Resources, Inc. for approval of the acquisition of the voting stock of one or more subsidiary companies to be formed for the purpose of making corporate acquisitions through the issuance of common stock registered at S-00960584.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, Harrisburg, with a copy served on the applicant on or before February 24, 1997, under 52 Pa. Code (relating to public utilities).

*Applicant:* Equitable Resources, Inc., 420 Boulevard of the Allies, Pittsburgh, PA 15219, c/o Elliot Gill, Senior Corporate Attorney.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-201. Filed for public inspection February 7, 1997, 9:00 a.m.]

#### **Telecommunications Service Without Hearing**

**A-310280 F0002. Bell Atlantic-Pennsylvania, Inc. and WinStar Wireless of Pennsylvania, Inc.** Bell Atlantic—Pennsylvania, Inc., and WinStar Wireless of Pennsylvania, Inc., by its counsel, filed on January 15, 1997, at the Pennsylvania Public Utility Commission, a joint petition for approval of agreement for network interconnection and resale.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All such comments are due on or before 20 days after the date of publication of this notice. Copies of the Bell Atlantic and WinStar Wireless joint petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection. Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-7466.

JOHN G. ALFORD,  
*Secretary*

[Pa.B. Doc. No. 97-202. Filed for public inspection February 7, 1997, 9:00 a.m.]

# TURNPIKE COMMISSION

## Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated below for the following Contract:

**Contract No. 87-021-RL80.** Expansion of the women's restroom at the Valley Forge Service Plaza at M. P. 324.6E on the PA Turnpike System in Chester County, PA.

Bid Opening Date: March 6, 1997, 11 a.m.

Bid Surety: 5%

Plans, specifications and Contract Documents will be available and open to the public inspection at the Administration Building. Copies may be purchased upon payment of \$25.00 per set (do not add State tax) by check or Post Office Money Order (no cash) to the Turnpike Commission, Attention Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Director of Purchases for listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,  
*Chairperson*

[Pa.B. Doc. No. 97-203. Filed for public inspection February 7, 1997, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

**EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.**

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

### Reader's Guide

#### Legal Services & Consultation—26

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services  
Location: Harrisburg, Pa.  
Duration: 12/1/93-12/30/93  
Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦  
(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

#### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

## GET THAT COMPETITIVE EDGE—FOR FREE!

Do you want to do business with your state government? The Treasury Department's office of Contract Information Services can assist you by providing you with information that may be helpful to you in successfully bidding on State contracts.

Act 244 of 1980 requires Commonwealth departments and agencies to file with the Treasury Department a copy of all contracts involving an expenditure of \$5,000 or more.

These fully executed contracts usually contain the vendor's name, dollar value, effective and termination dates and contract specifications. Some contracts also include the names of other bidding vendors and the bid proposal compiled by the awarded vendor. There is a minimal cost for photocopying contracts.

Allow the Treasury Department to "make a difference for you." For contract information call the office of Contract Information Services TOLL-FREE (in Pennsylvania) at 1-800-252-4700 or (717) 787-4586. Or you may write or visit the office at Room G13, Finance Building, Harrisburg, Pa. 17120.

BARBARA HAHER,  
*State Treasurer*

**Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340**

### Commodities

**8503660** Construction and building materials—1 each box, precast concrete culvert.

**Department:** Transportation  
**Location:** Plumcreek Township, Armstrong County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1672116** Construction and building materials—1 lot; chain link fencing and related accessories, furnish only.

**Department:** Corrections  
**Location:** Muncy, Lycoming County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1271116** Laboratory and medical equipment and supplies—1 each prism blocker, chiller, accucomp sagometer computerized unit, layout marker, reclaim tank, pneumatic air pad press, thickness gauge, lap-o-meter, surfacer, cylinder machine, surface saver applicator and lens surfacing generator.

**Department:** Corrections  
**Location:** Correctional Industries, Cambridge Springs, Crawford County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503640** Lumber, millwork, plywood and veneer—rectangular plywood blank (1/2") PSI-95 group 1 B-B grade high density 60-60 (APA); 500 each 72" x 8"; 50 each 72" x 48"; 200 each 72" x 12"; 300 each 72" x 24"; 50 each 72" x 36"; 200 each 48" x 8"; 100 each 48" x 16" and 200 each 96" x 48".

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8119310** Metal bars, sheets and shapes—15010 lbs. 9—W14 x 61 stringers, 22' -1/2" LG; 14—W8 X 24 structure mounted guide rail posts, 4' -1" LG; 14—W6 x 9 guide rail offset brackets, 1' -1" LG; 14—WG10 x 33 guide rail beam brackets, 10 -9/16" LG; 28—guide rail post bracket plates, 3/8" x 8" x 9 -3/4"; 18—masonry plates, 3/4" x 8" x 1' -8".

**Department:** Transportation  
**Location:** New Buena Vista, Bedford County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1489136** Motor vehicles, trailers and cycles—1 each 1997 model large size enclosed type 4X4 vehicle.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1555386** Motor vehicles, trailers and cycles—1 each latest model 35 ton low boy trailer with detachable gooseneck with pony motor, industry standard outriggers.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1627156** Paper and printing—10,800 M/pages; '97 Commonwealth Telephone Directory.

**Department:** General Services  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**8503630** Paper and printing—32M stickers, school bus and mass transit; 1200M stickers, safety; 1200M stickers, emission.

**Department:** Transportation  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1642206** Paper and printing—decals: 160 roll striping; 400 each door emblems; 660 each overlay; 200 each numbers.

**Department:** State Police  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1590116** Riot equipment—various quantities/styles of grenades, chemicals and related accessories.

**Department:** Corrections  
**Location:** Graterford, Montgomery County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7313700** Service and trade equipment—63 bays; all material, labor, supervision and drayage to install flow racks and conveyor system.

**Department:** Liquor Control Board  
**Location:** Taylor, PA 18517  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**1664226** Ships, small crafts, pontoons, floating docks—1 each OMC Hydrasport 22 dual console ocean skiff package boat to include 200 horsepower Evinrude Ocean Pro Model 200TXEU outboard engine with trim and tilt feature. Easy loader galvanized bunk style trailer with dual axles (brakes on both axles) to fit the boat.

**Department:** Fish and Boat Commission  
**Location:** Harrisburg, Dauphin County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

**7313750** Vehicular equipment and components—75 each truck, stock, flat bed, high level platform capacity: 600 lbs. size: 38" L X 18" W X 36" H, wheelbase minimum 26", all welded construction steel tubing, two (2) swivel ball bearing casters at rear and two (2) rigid casters at front.

**Department:** Liquor Control Board  
**Location:** Pittsburgh, Allegheny County, PA  
**Duration:** Indeterminate 1996-97  
**Contact:** Vendor Services: Fax request to (717) 783-6241 or call (717) 787-2199 or (717) 787-4705

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# SERVICES

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## Agricultural Services—02

**FL 350464—FL350472** Provide fish feed products used in a Statewide fish culture program during the period April 01, 1997 through June 30, 1997. Fish feed products purchased in bulk and bagged quantities only from vendors who have had their products tested and accepted by the PA Fish and Boat Commission.

**Department:** Fish and Boat Commission  
**Location:** Statewide to various fish culture stations as requested  
**Duration:** April 01, 1997—June 30, 1997  
**Contact:** Dennis Ricker, (814) 359-5141

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## Audio/Video—04

**618234** The Department of Revenue will be issuing an RFP to develop and implement a Call Center Management System to automate tax collection activities including inbound and outbound calling functions. The system must be capable of workstation/agent expansion and technology upgrades and management report capabilities. The system must be compatible with our current systems: IBM 9021-720 mainframe, Novell and NT LAN and Centrex telephone system. Estimated number of workstations for initial system is eighty (80) with the prime site located in Harrisburg and be capable of supporting remote locations.

**Department:** Revenue  
**Location:** Harrisburg, PA  
**Duration:** Three years with option to extend for two one year periods  
**Contact:** Dick Beddow, Bureau of Information Systems, (717) 772-9639

**WC 638** West Chester University of Pennsylvania of the State System of Higher Education is issuing Request for Proposal WC 638 to provide cable television service, including equipment and billing services to approximately 3,500 resident students serviced by approximately 2,050 outlets. The selected vendor will be responsible for the design, provision, installation and maintenance of any equipment necessary to provide desired cable services. The service is to be available to students by August 10, 1997.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA 19383  
**Duration:** 5 years with one 2 year option for renewal  
**Contact:** Jacki Marthinsen, Contracts Manager, (610) 436-2705

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## Barber/Cosmetology Services—05

**Inquiry No. 30169 Hair Stylist** Hair styling services to be provided on site by State Licensed Operators. Contract specifications will be provided upon request.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** 7/1/97—6/30/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

## Computer Related Services—08

**SP 270794** Commonwealth Vehicle Auction Management Software: this software will automate the entire vehicle auction process.

**Department:** General Services  
**Location:** Bureau of Vehicle Management, 2221 Forster Street, Harrisburg, PA  
**Duration:** 3-1-97—2-28-00  
**Contact:** Stephen A. Anderson, (717) 783-4256

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**SP-336262** Provide a complete polling and communication software package for 680 Wine & Spirits Shoppes.

**Department:** Liquor Control Board  
**Location:** Northwest Office Building, Harrisburg, PA 17124-0001  
**Duration:** Upon final approval of contract—30 days  
**Contact:** James A. Gilbert, (717) 787-9855

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## Construction and Construction Maintenance—09

**Project 409-BZ** Lock Haven University of PA, of the State System of Higher Education (SSHE) is seeking bids for general, electrical and plumbing construction/upgrades to Woolridge Residence Hall, including the replacement of lighting, showers, and ceilings, and the installation of convenience receptacles, data network wiring, smoke detectors and conduit, Project 409-BZ. A pre-bid meeting will be held February 14th, 1997 (12:00 noon) in Price Auditorium. All prospective contractors are encouraged to attend. Bids are due and will be opened publicly on February 28th, 1997 at 11:00 a.m. For further information, or to request contract documents at a non-refundable fee of \$125, bidders can contact Jay Browne of Brinjac, Kambic, & Associates, 114 North Second Street, Harrisburg, PA 17101, telephone: (717) 233-4502. Prevailing Wages and Contract Bonds apply. The System encourages responses from small firms, minority firms, women-owned firms, and firms which may have not previously performed work for the System, and will consider joint-ventures which will enable these firms to participate in System contracts.

**Department:** State System of Higher Education  
**Location:** Lock Haven University, Woolridge Residence Hall, Lock Haven, PA 17745  
**Duration:** 130 calendar days from date of notice to proceed  
**Contact:** Jay Browne: Brinjac, Kambic, & Assocs., (717) 233-4502

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**080943** Highway construction project, Monroe County, Group 5-96-POC4B.

**Department:** Transportation  
**Location:** District 5-0  
**Duration:** FY 1996-97  
**Contact:** V. C. Shah, (717) 787-5914

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**6500-044** Repair and resurface existing asphalt pavement at the State Correctional Institution at Retreat, Hunlock Creek, Luzerne County, PA. Area is approximately 5700 square feet. Contact institutional Purchasing Office for copy of the bid specifications.

**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621  
**Duration:** March 31, 1997 through September 1, 1997  
**Contact:** Barbara Swiatek, Purchasing Agent, (717) 735-8754, ext. 260



**BL-547** Concrete walk and curb replacement—replace designated sections of concrete sidewalk curbing on both the upper and lower campuses of Bloomsburg University. Work is to also include masonry repair of some brick sidewalks adjacent to exterior concrete steps, and patching of some damaged concrete. Miscellaneous other masonry work as described in specifications and on drawings. To obtain a copy of the plans and specs at no cost, contact Joe Quinn, (717) 389-4311 by February 15, 1997—the approximate release date of the project bid documents.

**Department:** State System of Higher Education  
**Location:** Bloomsburg University, Bloomsburg, PA 17815  
**Duration:** 3 months  
**Contact:** Joseph C. Quinn, (717) 389-4311

**Contract No. DGS A415-36** Project title: Roof Replacement—Vocational Instructional Building. Brief description: remove existing roof gravel and base flashings which contain asbestos. Install new membrane roof system and recovery board in hot steep asphalt. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, February 26, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** Scotland School for Veterans' Children, Scotland, Franklin County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. 555-17** Project title: Upgrade Steam and Condensate Systems. Brief description: replacement of underground steam and condensate distribution systems and equipment throughout the buildings and grounds. Heating, ventilating and air conditioning. Plans deposit: \$40.00 per set. Payable to: Barry Isett & Associates, P.C. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: Barry Isett & Associates, P.C., 85 S. Route 100 and Kressler Lane, Trexlertown, PA 18087-0147, telephone (610) 278-0166. Bid date: Wednesday, March 19, 1997 at 11:00 a.m. A pre-bid conference has been scheduled for Wednesday, February 26, 1997 at 1:00 p.m. in the First Floor Conference Room, Building No. 17, Room 114, Hamburg Center, Hamburg, PA. Contact person: Bruce Pasker, telephone (610) 562-6124. All contractors who have secured contract documents are invited and urged to attend this pre-bid conference.

**Department:** General Services  
**Location:** Hamburg Center, Hamburg, Berks County, PA  
**Duration:** 180 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS 948-40 Phase 1** Project title: Roof Replacement. Brief description: remove existing membrane roofing, gravel, flashing insulations and cant strips. Installation of all new tapered insulation, cant strips, membrane roofing and flashing. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, February 26, 1997 at 2:00 p.m.

**Department:** General Services  
**Location:** Health and Welfare Building, Harrisburg, Dauphin County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. DGS A1577-12** Project title: Roof Repairs—Gym. Brief description: remove existing built-up roof to existing deck and install new single ply roof system with tapered insulation and new metal edge. General construction. Plans deposit: \$25.00 per set. Payable to: The Commonwealth of Pennsylvania. Refundable upon return of plans and specifications in reusable condition as construction documents within 15 days after the bid opening date. The bidder is responsible for the cost of delivery of the plans and specifications. Contact the office listed below to arrange for delivery of documents. A separate check must be submitted to cover the cost of delivery. Mail request to: The Department of General Services, Room 107, Headquarters Building, 18th and Herr Streets, Harrisburg, PA 17125. Telephone: (717) 787-3923. Bid date: Wednesday, February 26, 1997 at 11:00 a.m.

**Department:** General Services  
**Location:** Waynesburg State Correctional Institution, Waynesburg, Greene County, PA  
**Duration:** 120 calendar days from date of initial job conference  
**Contact:** Contract Bidding Unit, (717) 787-6556

**Contract No. FDC-133-140** Traffic control; bituminous surface treatment (approximately 27,000 S. Y.); and patching potholes (approximately 2 tons) on Skyline Drive in Bald Eagle State Park.

**Department:** Conservation and Natural Resources  
**Location:** Howard Township, Centre County, PA  
**Duration:** 30 days  
**Contact:** Construction Management Section, (717) 787-5055

**IN-739** Phase II Alterations for Robert E. Cook Honors College Whitmyre Hall. Removing existing walls, doors, floor coverings, ceilings, stairs, ductwork, diffusers, piping, plumbing fixtures, lights, switches, fire detection equipment, telephone equipment, wiring, conduit, etc., to furnish and install new oak trim, walls, ceilings, stairs, wheelchair lifts, floor coverings, paint, brick, kitchen equipment, toilet partitions, ductwork, plumbing fixtures, piping, water closets, urinals, light dimming system, security system, telephone and data equipment, conduit, wiring, receptacles, lights, switches, etc. Phone: (412) 357-2289, FAX: (412) 357-6480.

**Department:** State System of Higher Education  
**Location:** Indiana University of Pennsylvania, Indiana, PA 15705-1087  
**Duration:** Six (6) months  
**Contact:** Ronald E. Wolf, Procurement Specialist, (412) 357-4851

**SP-313859** ADA Asphalt Paving—the contractor shall provide all labor, materials, and equipment necessary to pave two additional parking areas on the hospital grounds. Total of area to be paved will be approximately 422 square yards. Complete details and specifications are available from the hospital upon request.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565  
**Duration:** February 17, 1997 through June 30, 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

**UP-151** UP-151, Slippery Rock University is accepting sealed bids for ADA Upgrades and Modifications throughout campus. The project entails modifications to six (6) buildings to comply with ADA. The work scope includes modifications and replacement of entrance doors and restrooms, installation of a wheelchair lift and handicap ramp. Four contracts will be awarded as a result of this solicitation: general, plumbing, HVAC and electrical. The bid package can be obtained by submitting a \$75 non-refundable check to Burt Hill Kosar Rittelmann Associates, 400 Morgan Center, Butler, PA 16001. Telephone: (412) 477-4761. Plans will be made available at the University for viewing by contacting Joan Allen, Project Manager, Facilities and Planning Division, (412) 738-2536. A pre-bid conference will be held on February 26, 1997 at 1:30 p.m. The bid opening will be held on March 12, 1997 at 2:00 p.m. Please mark Project UP-151 on the outside of the envelope.

**Department:** State System of Higher Education  
**Location:** Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057  
**Duration:** 90 days  
**Contact:** J. F. Revesz, Contracts Manager, (412) 738-2255

## Elevator Maintenance—13

**CAL-609** California University of Pennsylvania of the State System of Higher Education is interested in obtaining bids for updating elevators in Clyde Hall. Interested bidders can request the University's Project Manual from Vickie A. Laubach, Purchasing Agent, (412) 938-4430. There is a \$75.00 (non-refundable cost) payable to California University of Pennsylvania. There will be a pre-bid hearing on February 17, 1997 at 10:00 a.m. Room 117 Azorsky Administration Building. Bid due date is March 3, 1997 at 2:00 p.m. Room 117 Azorsky Administration Building. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously performed work for the System and will consider joint ventures that will enable these firms to participate in the System's contract.

**Department:** State System of Higher Education  
**Location:** California University of PA, California, PA  
**Duration:** 37 days  
**Contact:** Vickie A. Laubach, (412) 938-4430

**FM 078196-01** Replacement of Deteriorated Coal Elevator Panels—The contractor shall provide all labor, materials, equipment, and performance of operations necessary for the replacement of deteriorated coal elevator casing panels at the boiler plant on the grounds of Wernersville State Hospital. Work shall also include the painting of approximately six sections of casing panels on the south face of the coal elevator. Complete details and specifications are available upon request.

**Department:** Public Welfare  
**Location:** Wernersville State Hospital, Wernersville, Berks County, PA 19565  
**Duration:** February 17, 1997 through May 31, 1997  
**Contact:** Karl Koenig, Purchasing Agent, (610) 670-4127

## Engineering Services and Consultation—14

**97-201-0001** Consultant to provide architectural/engineering consulting services in connection with the Pennsylvania Industrial Development Authority Program. The Authority provides low-interest, long term, mortgage loans to nonprofit industrial development agencies for the construction of industrial development projects. Bidders must be registered architects or professional engineers currently licensed by the Commonwealth of PA.

**Department:** PA Industrial Development Authority  
**Location:** Statewide  
**Duration:** 07-01-97 to 06-30-2002  
**Contact:** Gerald W. Kapp, Jr., Executive Director, (717) 787-6245

## Financial and Insurance Consulting—17

**97/98-1** The Pennsylvania Infrastructure Investment Authority ("PENNVEST") is requesting proposals for a financial consultant to review financial assistance applications and financial statements of loan applicants to determine credit worthiness and collateral requirements. Any and all proposals must be received by 3 p.m., March 7, 1997, at its offices in the Keystone Building, 22 South Third Street, Harrisburg, PA 17101. The Bid Document will be available February 10, 1997 and can be obtained from Elaine Keisling, Administrative Officer, PENNVEST, 22 South Third Street, Harrisburg, PA 17101, (717) 783-4494. There will be a preproposal conference from 10 a.m. to noon, Friday, February 21, 1997 in the 3rd Floor Conference Room at the Keystone Building, 22 South Third Street, Harrisburg, PA. PENNVEST is an equal opportunity employer. Contractor will be required to comply with all applicable equal employment opportunity laws and regulations.

**Department:** PA Infrastructure Investment Authority  
**Location:** Keystone Building, 22 South Third Street, Harrisburg, PA 17101  
**Duration:** Four (4) years  
**Contact:** Paul K. Marchetti/Elaine Keisling, (717) 783-4494

## Firefighting Services—18

**00683 000 96 AS-1** Replace Fire System. Project to install a new Fire System in the Old Chester Courthouse, located in Chester, PA. A pre-bid meeting will be held at the site on February 24, 1997 at 11:00 a.m., for all firms interested in submitting bids for the project. For directions, please contact the site at (610) 876-8683. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling or FAX request to (717) 783-1073. Bids are due on Friday, March 14, 1997 at 10:00 a.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Old Chester Courthouse, 420 Market Street, Chester, PA 19013  
**Duration:** April 1, 1997 to August 30, 1997  
**Contact:** Judi Yingling or Galen Brown, (717) 772-2401

**00707 000 96 AS-50** Maintain Fire and Security Systems. Provide contract services for the maintenance and repair of the installed Fire and Security Protection Systems. A pre-bid meeting will be held at the site on March 4, 1997 at 10:30 a.m., for all firms interested in submitting bids for the project. For directions, please contact the site at (215) 646-1595. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling or FAX request to (717) 783-1073. Bids are due on Friday, March 14, 1997 at 10:00 a.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Hope Lodge, 553 Bethlehem Pike, Fort Washington, PA 19034  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Judi Yingling or Galen Brown, (717) 772-2401

**02953 000 97 AS-53** Maintain Fire and Security. Provide contract services for the maintenance and repair of the installed Fire and Security Protection Systems. A pre-bid meeting will be held at the site on February 28, 1997 at 10:30 a.m., for all firms interested in submitting bids for the project. For directions, please contact the site at (215) 459-3342. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling or FAX request to (717) 783-1073. Bids are due on Friday, March 14, 1997 at 10:00 a.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Brandywine Battlefield Park, P. O. Box 202, Chadds Ford, PA 19317  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Judi Yingling or Galen Brown, (717) 772-2401

**02398 000 97 AS-50** Maintain Fire and Security. Provide contract services for the maintenance and repair of the installed Fire and Security Protection Systems. A pre-bid meeting will be held at the site on March 4, 1997 at 1:30 p.m., for all firms interested in submitting bids for the project. For directions, please contact the site at (215) 343-0956 or 2223. All interested bidders should submit a request for a bid package in writing to: PA Historical and Museum Commission, P. O. Box 1026, Room 526, Harrisburg, PA 17108-1026 Attention: Judi Yingling or FAX request to (717) 783-1073. Bids are due on Friday, March 14, 1997 at 10:00 a.m. Bid opening will be held in Room 526 of The State Museum of PA, Corner of 3rd and North Streets, Harrisburg, PA.

**Department:** Historical and Museum Commission  
**Location:** Bureau of Historic Sites and Museums, Graeme Park, 859 County Line Road, Horsham, PA 19044  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Judi Yingling or Galen Brown, (717) 772-2401

## Food—19

**259** Ice cream mix. Unflavored 10% butterfat minimum, 5-gallon containers—approximately 150 gallons each week, approximately 7,500 gallons total.

**Department:** Corrections  
**Location:** Correctional Industries, State Correctional Institution Rockview, Route 26, Box A, Bellefonte, Centre County, PA 16823  
**Duration:** July 1, 1997 through June 30, 1998  
**Contact:** Cheryl Snook, Purchasing Agent II, (814) 355-4874, ext. 251

**6886** Bread, rolls and related products, fresh.

**Department:** Military Affairs  
**Location:** Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648  
**Duration:** April, May and June 1997  
**Contact:** James E. Trimer, Purchasing Agent, (814) 696-5211

**0882-2749** Frozen purees; desserts, vegetables and meats (3 separate awards). 1) Desserts, 3 oz. serving, 4—4 lb. pans/case, Ref: Cliffdale Farms—No. 1—apple cinnamon—12 cs.; No. 2 vanilla custard—12 cs.; No. 3—banana custard—12 cs.; No. 4—orange custard—4 cs.; No. 5—peach custard—22 cs. 2) Vegetables, 6—3 lb. cartons/case, Ref: National Frozen Foods: No. 1—green beans—33 cs.; No. 2—carrots—52 cs.; No. 3—peas—26 cs.; No. 4—broccoli—29 cs.; No. 5—corn—11 cs. 3) Meats, meat patty, 3 oz. portion, 48/case, 9 lb./case, Ref: Thick & Easy, American Institutional Products: No. 1—chicken—32 cs.; No. 2—ham—12 cs.; No. 3—roast pork—18 cs.; No. 4—turkey—24 cs.; No. 5—roast beef—36 cs. Various amounts to be delivered bi-weekly (vegetables) and monthly (desserts and meats) for months of April, May, and June 1997.

**Department:** Public Welfare  
**Location:** South Mountain Restoration Center, 10058 South Mountain Road, South Mountain, PA 17261  
**Duration:** April 1 through June 30, 1997  
**Contact:** Cathy J. Tarquino, Purchasing Agent, (717) 749-4030/4031

## Heating, Ventilation, Air Conditioning—22

**Project No. 156** Provide emergency and routine repair work for repair of hydraulic lift. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** Building 11-76, Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 211** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 229 Walnut Street, Columbia, Lancaster County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 212** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 108 W. Washington Avenue, Connellsville, Fayette County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 213** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 835 Fifth Avenue, Coraopolis, Allegheny County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 214** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 97-99 Shewell Avenue, Doylestown, Bucks County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 215** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 271 Washington Street, East Stroudsburg, Monroe County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 216** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, 350 East 6th Street, Erie, Erie County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 217** Provide emergency and routine repair work for electrical system. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** PAARNG Armory, R. D. 4, Box 283, Everett, Bedford County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 502** Provide emergency and routine repair work for overhead doors, approximately 17. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 508** Provide emergency and routine repair work for gasoline pump. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 800** Provide emergency and routine repair work for plumbing system for approximately 41 buildings. The contractor must respond to the call within four (4) hours of receiving a call either directly or via a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his firm for a 90 day period. Bid proposal forms used to submit bids are available from the State Armory Board.

**Department:** Military and Veterans Affairs  
**Location:** Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**082elecmmt** Electrical maintenance contract.

**Department:** Transportation  
**Location:** Department of Transportation, Cumberland County, PA  
**Duration:** 12 months  
**Contact:** Barry Strock, (717) 243-5414

**AE-1559** Installation of Department furnished emergency/standby electrical generator, including alteration of existing distribution system and removal of existing generator. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 8-8, 1445 Cumberland Street, Lebanon, Lebanon County, PA  
**Duration:** 90 calendar days, proposed bid March 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-2719** Installation of Department furnished emergency/standby electrical generator, including alteration of existing distribution system and removal of existing generator. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance Building, District 9-3, Wilmore Road Garage, Ebensburg, Cambria County, PA  
**Duration:** 90 calendar days, proposed bid March 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-2816** Installation of Department furnished emergency/standby electrical generator, including alteration of existing distribution system and removal of existing generator. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** County Maintenance Building, District 8-4, York, York County, PA  
**Duration:** 90 calendar days, proposed bid March 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-2820** Installation of Department furnished emergency/standby electrical generator, including alteration of existing distribution system and removal of existing generator. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance District 8-9, 421 West Main Street, New Bloomfield, Perry County, PA  
**Duration:** 90 calendar days, proposed bid March 1997  
**Contact:** Tina Chubb, (717) 787-7001

**AE-5064** Installation of Department furnished emergency/standby electrical generator, including alteration of existing distribution system and removal of existing generator. FAX (717) 783-7971.

**Department:** Transportation  
**Location:** Maintenance Building, District 8-7, 2105 Lincoln Highway East, Lancaster, Lancaster County, PA  
**Duration:** 90 calendar days, proposed bid March 1997  
**Contact:** Tina Chubb, (717) 787-7001

**M37783** The contractor shall provide Reliability Testing Service for electric equipment at the State Correctional Institution at Pittsburgh. Interested vendors can call Mr. James Spagnoletti at (412) 761-1955, ext. 260.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Ronald Dudek, Purchasing Agent, (412) 761-1955

**SP 274330** Sealed bids will be received at the Presque Isle State Park Office, P. O. Box 8510, Erie, PA 16505-0510, and then publicly opened and read. A bid opening date has not yet been set. For electrical repair and/or maintenance of the electrical systems at Presque Isle State Park. A bid proposal containing all pertinent information must be obtained from the office of the Park Manager.

**Department:** Conservation and Natural Resources  
**Location:** Presque Isle State Park, P. O. Box 8510, Erie, PA 16505-0510  
**Duration:** July 1, 1997 to June 30, 2000  
**Contact:** Presque Isle State Park, (814) 833-7424

**Lodging/Meeting Facilities—27**

**X102289** Provide meeting facility for DEP Technical Academy to include lodging, meeting rooms and meals for two (2), three (3) week training sessions.

**Department:** Environmental Protection  
**Location:** Within a ten (10) mile radius of Downtown Harrisburg, PA  
**Duration:** 7-97 through 2-98  
**Contact:** Ally Castaneira, (717) 787-2471

**X108716** Provide meeting facilities to include lodging, meeting rooms and meals for the 1997 Host Municipality Inspector Seminar.

**Department:** Environmental Protection  
**Location:** Within a ten (10) mile radius of Downtown State College, PA  
**Duration:** May 20—22, 1997 with option to renew  
**Contact:** Ally Castaneira, (717) 787-2471

**Medical Services—29**

**0780** Contractor will provide a complete on-site vision loss rehabilitation program. Services will be provided to approximately 50—75 individuals at White Haven Center.

**Department:** Public Welfare  
**Location:** White Haven Center, R. R. 2, Box 2195, White Haven, PA 18661  
**Duration:** 5/1/97 to 4/30/2002  
**Contact:** Sandra A. Repak, Purchasing Agent, (717) 443-4232

**No. 8193** Contractor to provide services of an optometrist and optician to all individuals of Ebensburg Center. Vendor will provide routine eye examination screenings and subsequent referral to those individuals who require medical care by ophthalmologist to an appropriate provider. Complete specifications can be obtained from the Purchasing Office of the Ebensburg Center.

**Department:** Public Welfare  
**Location:** Ebensburg Center, Route 22 West, P. O. Box 600, Ebensburg, Cambria County, PA 15931  
**Duration:** July 1, 1997 through June 30, 1999  
**Contact:** Cora Davis, Purchasing Agent I, (814) 472-0288

**SC-96031** To provide epidemiology services to the Northeastern PA Veterans Center. For specifications send FAX to Purchasing Department, (717) 961-4400.

**Department:** Military and Veterans Affairs  
**Location:** Northeastern PA Veterans Center, 401 Penn Avenue, Scranton, PA 18503-1213  
**Duration:** July 01, 1997 to June 30, 1998 with renewal option  
**Contact:** Joseph Libus, Purchasing Agent, (717) 961-4318

**060191** Interior painting of main upstairs garage, sign shop, main lower garage, stair well, lower stair well landing, downstairs hallway, preventive maintenance shop, oil storage room, welding shop, tire storage room, and main storage room. Interior painting in upper and lower garage areas and related rooms is to include the painting of exposed steel roof deck, exposed steel roof framing, masonry walls, previously painted steel window frames and mullions, previously painted steel door frames and metal doors, previously painted wooden door frames and wooden doors, interior face of garage doors, exposed ductwork, exposed steel lintels, and steel handrails and posts. Also included is the cleaning and surface preparation for the proper application and performance of the painting systems specified.

**Department:** Transportation  
**Location:** PA Department of Transportation Garage, 229 North Broad Street, Doylestown, PA 18901  
**Duration:** July 1, 1997 to August 31, 1997  
**Contact:** Charles Stone, (610) 964-6520

**060192** Repair delaminated concrete aboveground foundation which is being used to support a road salt storage dome. Remove delaminated concrete down to a solid base, clean corrosion off of the reinforcing steel, clean surface with pressure washer, apply patching material, and apply sealer to all the concrete.

**Department:** Transportation  
**Location:** PennDOT Bucks County Satellite Maintenance Stockpile, Trevose Road, Trevose, PA 19049  
**Duration:** June 1, 1997 to August 31, 1997  
**Contact:** Charles Stone, (610) 964-6520

**060193** Remove the existing shingle roof and tar paper down to plywood on the Salt Storage Dome's roof. Replace any damaged framing/decking. Replace any damaged flashing. Install 25 year asphalt shingles over 15 lb. felt paper over the dome's roof. Install aluminum fascia cover over existing fascia boards at entrance to dome.

**Department:** Transportation  
**Location:** PennDOT Chester County Nike Maintenance Stockpile on Delchester Road, 600 feet north of Route 3 (West Chester Pike).  
**Duration:** June 1, 1997 to August 31, 1997  
**Contact:** Charles Stone, (610) 964-6520

**060194** Demolish the existing entrance canopy and construct a new one at the Salt Dome Storage Building. On the same building, remove the existing shingle roof and tar paper down to the plywood. Replace any damaged flashing. Install 25 year asphalt shingles over 15 lb. felt paper over the dome roof.

**Department:** Transportation  
**Location:** PennDOT Delaware County Conchester Maintenance Stockpile at the intersection of Traffic Route 261 and Traffic Route 322  
**Duration:** June 1, 1997 to August 31, 1997  
**Contact:** Charles Stone, (610) 964-6520

**120R-005** Roadside mowing of Department maintained State routes located south of SR 0030 in Westmoreland County. All mowing will be performed according to contract specifications. This contract will be renewable for two (2) year periods for a total of two such renewals.

**Department:** Transportation  
**Location:** Transportation District 1200, Westmoreland County south of SR 0030  
**Duration:** 5-1-97 to 4-30-98  
**Contact:** Michael D. Maurer, (412) 439-7374

**6500-045** Furnish and install approximately 600 square feet of unglazed quarry tile in the Dietary Department at the State Correctional Institution at Retreat, Hunlock Creek, PA. Contact institutional Purchasing Office for a copy of the bid specifications.

**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621  
**Duration:** March 31, 1997 through September 1, 1997  
**Contact:** Barbara Swiatek, Purchasing Agent, (717) 735-8754, ext. 260

**SP 331537** Services required for mechanical control of competing vegetation in forested areas in the counties of Clinton, Mifflin, Potter and Tioga.

**Department:** Conservation and Natural Resources  
**Location:** Clinton, Mifflin, Potter and Tioga Counties, PA  
**Duration:** May 1, 1997 through April 30, 1998  
**Contact:** Cory Gaiski, (717) 783-0760

**Sanitation—36****Property Maintenance—33**

**Project No. 9733** Repair and paint ten (10) existing dormers on Building No. 1 (Castle), include lining existing gutters with Flexseal waterproofing.

**Department:** Military and Veterans Affairs  
**Location:** Harrisburg Military Post, 14th and Calder Streets, Harrisburg, Dauphin County, PA  
**Duration:** 1 January 97—30 July 97  
**Contact:** Emma Schroff, (717) 861-8518

**Project No. 155** Pumping septic tanks—15 buildings.

**Department:** Military and Veterans Affairs  
**Location:** Ft. Indiantown Gap, Annville, Lebanon County, PA  
**Duration:** 1 July 97—30 June 2000  
**Contact:** Emma Schroff, (717) 861-8518

**0620-002** Placement of three (3) 20 cubic yard dumpsters at various locations in Chester County. Pick up of said dumpsters on demand up to fifteen (15) times per annum (total 45 pickups). Disposal of roadside litter therein up to 400 tons per year. "Roadside Litter" may include but is not limited to glass and plastic, steel and aluminum, paper products, rubber (pieces of tires and tubes, not whole tires), scrap metal, lumber, concrete and construction debris, auto parts and brush.

**Department:** Transportation  
**Location:** Transportation Maintenance District 6-2, Stockpile 07—Route 1 By-Pass near Kennett Square; Stockpile 08—Route 30 near Parkesburg; Stockpile 28—Route 282 near Little Jackson  
**Duration:** One (1) year, renewable for three (3) years thereafter  
**Contact:** Sandy Szupowal or John B. Wade, (610) 436-2091

**SP6500-35** The contractor shall provide all labor, equipment, and physical facilities necessary for solid refuse removal, collection, and transportation of recyclable materials at the State Correctional Institution at Retreat. The contractor shall furnish containers in a sufficient size and number for proper containment of garbage and recycling materials. Service shall be performed on an "as-needed" basis.

**Department:** Corrections  
**Location:** State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, Luzerne County, PA 18621  
**Duration:** July 1 1997 through June 30, 2000  
**Contact:** Barbara Swiatek, Purchasing Agent, (717) 735-8754, ext. 260

**B-7322** Vendor to provide parts and labor to repair (1) forty foot truck scale. Unit located at the boiler plant at the State Correctional Institution Graterford.

**Department:** Corrections  
**Location:** State Correctional Institution at Graterford, Box 246, Route 29, Graterford, PA 19426  
**Duration:** 6 months  
**Contact:** Kelly Richardson, (610) 489-4151

**SPC 295054** Install 76 broad-based dips, 3 waterbars and tail-gate spread approximately 530 feet of road surface with limestone surface material on the Middle Branch Road and adjacent Old Woods Roads as designated by District Forester or his representative.

**Department:** Conservation and Natural Resources  
**Location:** Bureau of Forestry Sproul No. 10, Middle Branch Road  
**Duration:** March 15, 1997 to June 30, 1997  
**Contact:** Robert Fitterling, (717) 923-6011

## Security Services—37

**RFP 1997-TC-3** The Department of General Services and PA Board of Probation and Parole are looking for Proposals for Access Control, Security, Fire Alarm, and Monitoring Systems. For a copy of the RFP call (717) 783-3221 or FAX (717) 705-0165.

**Department:** General Services  
**Location:** Bureau of Purchases, Telecommunications Division, 101-03 North Front Street, Harrisburg, PA  
**Duration:** April—June 1997  
**Contact:** Harold E. Zellhart, (717) 783-3221

## Vehicle, Heavy Equipment and Powered Machinery Services—38

**010310** Rollers and compressors.

**Department:** Transportation  
**Location:** 1140 Liberty Street, Franklin, Venango County, PA  
**Duration:** 4/97—3/00  
**Contact:** Tom Moore, (814) 437-4237

**2-0-00331** The Pennsylvania Department of Transportation Maintenance District 0250 and 0280 McKean, Elk Counties will be renting oil distributors with operators. Two (2) 5000 gallon distributors and one (1) 3000 distributor.

**Department:** Transportation  
**Location:** Various locations within McKean and Elk Counties, PA  
**Duration:** May 1, 1997 to April 30, 2000  
**Contact:** Grover C. Beightol, (814) 765-0492

## Miscellaneous—39

**Inquiry No. 30170 Typewriter Repairs** Provide repair and maintenance service, on site, for approximately 40 typewriters. Contract specifications upon request.

**Department:** Public Welfare  
**Location:** Western Center, 333 Curry Hill Road, Canonsburg, PA 15317  
**Duration:** 9/1/97—8/31/99  
**Contact:** Ken Wilson, Purchasing Agent III, (412) 873-3256

**350460** The Department of Transportation is soliciting the services of individuals, firms or corporations to pick up and properly dispose of road-killed deer carcasses. The contract will be awarded for each County or Engineering District. Additional details and bid package can be obtained by Faxing a request to Ms. Tina Chubb at (717) 783-7971.

**Department:** Transportation  
**Location:** Agency wide  
**Duration:** 12 months  
**Contact:** Tina Chubb, (717) 787-7001

**96-MP10** Vendor shall provide sharpening services and provide band saw blades to the Correctional Industries Meat Processing Plant.

**Department:** Corrections  
**Location:** State Correctional Institution Camp Hill, Correctional Industries Meat Processing Plant, 2500 Lisburn Road, Camp Hill, PA 17001-8837  
**Duration:** Approximately 2 years  
**Contact:** Linda Malinak, (717) 975-4931

**080Linepaint** Traffic line painting on State Roads in Dauphin, Lebanon, and Lancaster Counties.

**Department:** Transportation  
**Location:** Engineering District 8-0; Dauphin, Lancaster, and Lebanon Counties, PA  
**Duration:** 1 year  
**Contact:** Larry Hancock, (717) 787-2605

**C 102235** Services required of a design artist to design three (3) posters and three (3) embroidered patches.

**Department:** Conservation and Natural Resources  
**Location:** Wild Resource Conservation Fund, 1500 North Third Street, Room 309, Harrisburg, PA 17102  
**Duration:** March 1, 1997 through June 30, 1999  
**Contact:** Cory Gaiski, (717) 783-0760

[Pa.B. Doc. No. 97-204. Filed for public inspection February 7, 1997, 9:00 a.m.]

## DESCRIPTION OF LEGEND

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

GARY E. CROWELL,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

| <b>Requisition<br/>or<br/>Contract #</b>           | <b>Awarded<br/>On</b> | <b>To</b>                            | <b>In the<br/>Amount Of</b> |
|--|-----------------------|--------------------------------------|-----------------------------|
| 0010-09  | 02/01/97              | News Printing Co., Inc.              | 37,410.00                   |
| 1254136-01   | 01/22/97              | Hunter Locksmith Services            | 9,990.90                    |
| 1293116-01   | 01/28/97              | PA Police Supply                     | 8,991.61                    |
| 1409206-01   | 01/28/97              | Taylor's Leatherwear, Inc.           | 15,770.00                   |
| 1452116-01   | 01/28/97              | Moyer and Son, Inc. c/o Jeff Schneck | 25,882.25                   |
| 1543216-01   | 01/28/97              | Harold G. Jones Company              | 15,500.00                   |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Picturetel                           | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Proteon                              | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Super Memory                         | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Perfect Order                        | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | QMS, Inc.                            | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Racal-Datacom, Inc.                  | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Intergraph Corp.                     | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Wave Technologies                    | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Anixter                              | 78,000.00                   |

| <b>Requisition<br/>or<br/>Contract #</b>           | <b>Awarded<br/>On</b> | <b>To</b>                                   | <b>In the<br/>Amount Of</b> |
|--|-----------------------|---|-----------------------------|
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Applied Digital Systems                     | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Bell Atlantic Network Integration (BANI)    | 18,000.00                   |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Towson Computer dba ISMART                  | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Inacom Information Systems                  | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Aspect Computer                             | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Macro Computer Products                     | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Integra Business Systems                    | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Brother International                       | 6,000.00                    |
| 5850-01 (Rebid in Part No. 1 and Supplement No. 1) | 01/28/97              | Computer Guidance dba Microage of Lancaster | 54,000.00                   |
| 7430-01 (Rebid in Part No. 1)                      | 01/28/97              | Phillips Office Products                    | 4,000.00                    |
| 7520-10  | 02/01/97              | Camden Bag and Paper Co.                    | 21,292.50                   |
| 7520-10  | 02/01/97              | J. A. Kindel Company                        | 40,309.00                   |
| 7520-10  | 02/01/97              | Office Works Office Supply                  | 31,212.00                   |
| 7920-05  | 01/29/97              | AGF   | 185,000.00                  |
| 7920-05  | 01/29/97              | Resourcenet International                   | 125,000.00                  |
| 7920-05  | 01/29/97              | Unisource Worldwide                         | 25,000.00                   |
| 7920-05  | 01/29/97              | Industrial Soap Co.                         | 65,000.00                   |

## STATE CONTRACTS INFORMATION

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| Requisition<br>or<br>Contract # | Awarded<br>On | To  | In the<br>Amount Of |
|---------------------------------|---------------|---|---------------------|
| 8158930-01                      | 01/28/97      | IKG<br>Industries/IKG<br>Greulich Di-<br>vision | 49,124.76           |
| 8206890-01                      | 01/28/97      | Ashland<br>Chemical<br>Co.                      | 20,880.00           |

| Requisition<br>or<br>Contract # | Awarded<br>On | To  | In the<br>Amount Of |
|---------------------------------|---------------|---|---------------------|
| 9905-03                         | 01/27/97      | John R. Wald<br>Co.<br><br>GARY E. CROWELL,<br><i>Secretary</i> | 1,619,695.35        |

[Pa.B. Doc. No. 97-205. Filed for public inspection February 7, 1997, 9:00 a.m.]

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